By Mr. HARRISON of Virginia:

H. R. 5654. A bill to repeal certain provisions of the Social Security Act; to the Committee on Ways and Means.

By Mr. KING:

H. R. 5655. A bill to amend the Social Security Act, so as to reduce the amount of the deductions which may be made on account of outside income from the benefits payable to certain individuals thereunder; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of California (by request):

H. R. 5656. A bill for the relief of Sam Rosenblat; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 5657. A bill for the relief of Bernard Gross; to the Committee on the Judiciary.

H. R. 5658. A bill for the relief of William W. Kleinman; to the Committee on the Judiciary.

By Mr. RADWAN:

H. R. 5659. A bill for the relief of Mrs. Hermine Lamb; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 5660. A bill to effect entry of a minor child adopted or to be adopted by United States citizens; to the Committee on the Judiciary.

By Mr. WIER:

H. R. 5661. A bill for the relief of Ayako Waki; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

451. By Mr. CANFIELD: Resolution unanimously passed on October 5, 1951, by the New Jersey Press Association at its Thirtieth Annual Press Institute at Rutgers University, New Brunswick, N. J., to use every appropriate method to demand that President Truman modify his Executive order so that the public may have news and information which is its right under the Constitution; to the Committee on the Judiciary.

452. Also, resolution unanimously adopted by the editorial committee of the New Jersey Press Association urging that the United States Government break off diplomatic and trade relations with Czechoslovakia, to cancel visas issued to Czechoslovak citizens, and to freeze the assets of Czechoslovakia in this country until such time as William N. Oatis is freed; to the Committee on Foreign Affairs.

453. By the SPEAKER: Petition of West Palm Beach Townsend Club, No. 1, of West Palm Beach, Fla., vigorously protesting the proposed opening of the welfare rolls to public exposure; to the Committee on Ways and Means.

SENATE

TUESDAY, OCTOBER 9, 1951

(Legislative day of Monday, October 1, 1951)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Robert W. Olewiler, minister, Grace Reformed Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, once again we raise our voice in gratitude for all the manifestations of Thy purpose and power and for Thy never-changing faithfulness throughout all generations. We rejoice, that in the midst of these critical times when our troubles multiply, Thy word, O God, stands sure.

Be pleased now to lend a merciful ear to our supplications, especially as we pray for these Thy servants, who have authority and power over their fellow men. Grant that they may not use it for selfish advantage, but be guided to do justice and to love mercy. Guard the dignity of this august body by tempering the all too rash and hasty judgments hurled upon it, and by increasing the courage, industry, honesty, and integrity of its Members. Defend them from evil, enrich them with all needed good, and direct and prosper their consultations, to the end that the safety, honor, and welfare of Thy people may everywhere be preserved and Thy glory everywhere advanced.

We beseech Thee to take away our feebleness toward the things of the spirit, keeping us mindful of our sins; not that we might be ashamed to lift up our eyes to new horizons of godly service and sacrifice, not that we might fear to press forward in new adventures of faith, but that we might in true humility beg Thy forgiveness and firmly resolve to do better. Speed the day when peace and happiness, truth and justice, religion and piety may be established among us for all generations. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, October 8, 1951, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1335) to readjust size and weight limitations on fourth-class (parcel post) mail, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 5113. An act to maintain the security and promote the foreign policy and provide for the general welfare of the United States by furnishing assistance to friendly nations in the interest of international peace and security;

H. R. 5257. An act to amend section 9 of the Federal-Aid Highway Act of 1950 (64 Stat. 785) to increase the amount available as an emergency relief fund for the repair or reconstruction of highways and bridges damaged by floods or other catastrophes; and

H. R. 5504. An act to amend section 12 of the Federal-Aid Highway Act of 1950 to increase the amount available for the construction of access roads certified as essential to the national defense.

ENROLLED BILLS SIGNED BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore announced that on today, October 9, 1951, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 263. An act for the relief of Akiko Mitsuhata;

S. 617. An act for the relief of Pascal Nemoto Yutaka;

S. 1013. An act for the relief of Sister Monica Grant;

S. 1277. An act for the relief of John R. Willoughby;

S. 1437. An act for the relief of Maiku Suzuki;

S. 1464. An act for the relief of Peter Therkelsen Kirwan and Ernest O'Gorman Kirwan;

S. 1499. An act for the relief of Georgette Sato;

S. 1713. An act for the relief of Charles Cooper;

S. 1718. An act for the relief of Elizabeth Bozsik;

S. 1775. An act for the relief of Heinz Harald Patterson;

S. 1994. An act to authorize the use of the incompleted submarine *Ulua* as a target for explosive tests, and for other purposes;

H. R. 1227. An act to amend further the act entitled "An act to authorize the construction of experimental submarines, and for other purposes," approved May 16, 1947, as amended;

H. R. 4475. An act to amend the Agricultural Adjustment Act of 1938, as amended; and

H. R. 5102. An act to authorize the Secretary of the Navy to enlarge existing water-supply facilities for the San Diego, Calif., area in order to insure the existence of an adequate water supply for naval installations and defense production plants in such area.

LEAVE OF ABSENCE

Mr. LEHMAN. Mr. President, I ask unanimous consent to be absent from the Senate tomorrow in observance of one of the most solemn holy days of my faith.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to make insertions in the RECORD and transact other routine business, without debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SNAKE RIVER RECLAMATION PROJECT

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the construction, operation, and maintenance of the initial phase of the Snake River reclamation project by the Secretary of the Interior, which, with the accompanying papers, was referred to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions adopted by the Miami Townsend Club, No. 22; the Boynton Beach Townsend Club, No. 1; the Townsend Club, No. 1,

of Miami, and the West Palm Beach Townsend Club, No. 1; all in the State of Florida, protesting against the opening of the welfare rolls to public exposure; to the Committee on Finance.

By Mr. SALTONSTALL (for himself and Mr. LODGE):

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring the enactment of legislation providing for a shipbuilding program; to the Committee on Interstate and Foreign Commerce.

(See resolutions printed in full when laid before the Senate by the President pro tempore on October 8, 1951, p. 12736, CONGRESSIONAL RECORD.)

DECLARATION OF INDEPENDENCE NATIONAL SHRINE—RESOLUTION OF CITY COUNCIL, PHILADELPHIA, PA.

Mr. MARTIN. Mr. President, I present for appropriate reference a resolution adopted by the City Council of Philadelphia on October 4.

The resolution calls attention to the neglect of the site in Philadelphia where the Declaration of Independence was written. It urges that the site be acquired by the United States Government, that it be designated as a historic shrine and maintained as a place of patriotic inspiration for all the people of the United States.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Rules and Administration and ordered to be printed in the RECORD, as follows:

RESOLUTION REQUESTING THE GOVERNMENT OF THE UNITED STATES TO ACQUIRE AND MAINTAIN AS A NATIONAL SHRINE THE LOCATION OF THE DRAFT AND PREPARATION OF THE DECLARATION OF INDEPENDENCE

Whereas the year 1951 marks the one hundred and seventy-fifth anniversary of the signing and adoption of the Declaration of Independence and the statement of the principles upon which this Nation was established; and

Whereas the Declaration of Independence was written and prepared in a building located at the southwest corner of Seventh and Market Streets, in the city of Philadelphia; and

Whereas the site of the said building is now in private ownership and used for commercial purposes without even a marker to designate the great historic event that took place at that location; and

Whereas the site should be in the ownership of the Government of the United States to be maintained as a shrine for all of the people of the United States and as an inspiration to their citizenship and patriotism: Therefore

Resolved by the Council of the City of Philadelphia, That the Government of the United States is hereby requested to acquire and to maintain as a patriotic shrine the land at the southwest corner of Seventh and Market Streets in the city of Philadelphia where the Declaration of Independence was drafted and prepared.

Resolved, That the clerk of city council send a copy of this resolution to the President of the United States and to the Senators and Members of the House of Representatives from the Commonwealth of Pennsylvania.

EQUAL RIGHTS AMENDMENT—PETITION

Mr. CHAVEZ. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a petition signed by Estelle M. Johnston, Helen M. Armstrong, and Lulu L. Thomson, and sundry other citizens of Portales, N. Mex., praying for the enactment of legislation providing equal rights.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

PORTALES, N. MEX., *September 27, 1951.*

To the Honorable DENNIS CHAVEZ,
United State Senator for New Mexico.

DEAR SENATOR CHAVEZ: We, the Portales Business and Professional Women's Club, petition you, and through you, the United States Congress, to pass the equal rights amendment during this session of Congress.

We are supporting the equal rights amendment in its original form, and disapprove any riders, amendments, or changes in wording, which would have the effect of continuing the inequalities which we seek to eliminate.

The text of the equal rights amendment is "that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Congress and the several States shall have power, within their respective jurisdictions to enforce this article by appropriate legislation.

"This amendment shall take effect 1 year after the date of ratification."

ADMINISTRATION BY GOVERNOR PHELPS OF AMERICAN SAMOA—RESOLUTIONS OF LEGISLATURE OF AMERICAN SAMOA

Mr. BUTLER of Nebraska. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, four resolutions of the Territorial Legislature of American Samoa, the Fono, together with a copy of an official resolution directed to the Governor by the Fono. The resolutions concern the administration of the island's first civilian governor, Hon. Phelps Phelps. They are in answer to and in rebuttal of serious criticism against Governor Phelps by a group of Samoans whose statement was published in the CONGRESSIONAL RECORD, beginning on page A4816 of the Appendix.

I have no personal knowledge whatever of the present political situation in American Samoa, and do not in any way wish to be taking one side or another in any differences of opinion between the Governor and any group of Samoans. However, I do feel that in the interests of justice and truth, both sides should receive equal opportunity for presentation of their views, and hence I am happy to accede to the Interior Department's request.

There being no objection, the resolutions were referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

Resolution I

Whereas in the investigation undertaken by the Committee on Rules and House Administration it was shown in the testimony of several witnesses examined with reference to the petition of May 2, 1951, that the signatures of said witnesses had been affixed to blank paper which circumstance implied that they knew nothing of or about said petition, and yet these "blank papers" have come to jeopardize the good administration of Gov. Phelps Phelps; and

Whereas some of the chiefs among the signatories haye affirmed their satisfaction with the administration of Gov. Phelps Phelps and experienced very great surprise therefore upon seeing a facsimile of the aforesaid petition from the CONGRESSIONAL RECORD with its allegations about Gov. Phelps Phelps which was not what had been represented to them as being the contents and substance of the said petition at the time their signatures were subscribed; and

Whereas all the allegations in the petition about and attacking Gov. Phelps Phelps can never or ever will alter the belief of the Fono of American Samoa, leaders, and representatives of families, churches and groups in the hereinbefore-mentioned Gov. Phelps Phelps, who has ever shown and displayed those qualities of goodness, love, and justice in his administration and as proven by his acts before the public: Now, therefore, be it

Resolved, That Washington be advised of the falsity and groundlessness of such allegations as directed at Gov. Phelps Phelps and contained in said petition of May 2, 1951, from one-half of 1 percent of the population of American Samoa; and be it furthe·

Resolved, That the press be authorized to print and publish the facts in this hoax played on Washington by this petition of May 2, 1951, for the information of the public and especially those interested in the affairs of the government of American Samoa; and be it finally

Resolved, That a letter of commendation for Gov. Phelps Phelps be drafted and delivered and copies thereof be forwarded to Washington and the Chief Executive and the legislature of Gov. Phelps Phelps' home State (New York).

Resolution II

Whereas the Committee on Rules and House Administration is in possession of the truth from its investigation and examination of the signers of the petition of May 2, 1951, addressed to the President of the United States, the Congress of the United States, and the Secretaries of the Interior and Navy, commending one Fred I. Simon; and

Whereas the aforementioned petition contained allegations galore which are injurious and derogatory to the efficient operation of the government of American Samoa, the Fono, Tutuila and Manu's, and especially of the commendable and just administration of Gov. Phelps Phelps; and

Whereas the aforesaid committee is aware and cognizant that the number of witnesses disclaiming all knowledge of said petition and had declared their signatures under such circumstances as rank forgeries, together with the infant signatories, is sufficient; and

Whereas decision in the matter was deferred until consideration thereof by the Fono in its special session of August 22, 1951, and the Fono having so proceeded: Now, therefore, be it

Resolved, That wherever obvious and/or evident violators of and offenses against the laws of American Samoa as found in the said investigation shall be communicated to the Attorney General of American Samoa for prosecution according to law.

Resolution III

Whereas the Committee on Rules and House Administration has conclusive proof and the facts obtained from its investigation and examination of witnesses called before it with regard to the petition dated May 2, 1951, by persons from Alataua County and Faumuina of Sa'ole County addressed to the President and the Congress of the United States and the Secretaries of the Navy and Interior, which petition has affected the operation of the Government of American Samoa under the administration of Gov. Phelps Phelps, the Fono, the Department of the Navy, and the Government of American Samoa; and

Whereas the said investigation has revealed not only from the testimony but also by direct examination the fact of the

participation of several Members of either House of the Fono in the proceedings under question; and

Whereas the foregoing committee is convinced of the impropriety and folly for a member of the legislature to be concerned in actions misleading and detrimental to the peace and happiness of the Fono and the people and Government of American Samoa; and

Whereas it is clear from section 86 of the code that either House of the Fono shall be the sole tribunal with respect to its members: Now, therefore, be it

Resolved, That each house of the Fono undertake an investigation of those members known and proven to have been concerned in said petition of May 2, 1951, and to render its decision in the next session of the Fono or the earliest available opportunity.

Resolution IV

Whereas exhaustive investigation has revealed and proven to the Committee on Rules and House Administration the monstrously outrageous and villainous practices followed in the formulations of the petition of May 2, 1951, and especially in the trickery played upon honest but credulous persons in obtaining their signatures without either their consent or knowledge and without treading the correct paths of human conduct, all contrary to law and much more so in the sight of God; and

Whereas said petition under investigation and to the knowledge of the said committee operated to misinform and mislead the President and the Congress of the United States and also the Secretaries of the Interior and Navy Departments of that Government and therefore injurious, derogatory, and disparaging to their prestige and fair fame, by the very nature and character of the contents of aforesaid petition which are absolutely false, deceiving and ill-advised; and

Whereas these practices permitted the cruel, uncharitable and unauthorized signing of the names of babes and infants of some 8 months, girls, boys, women and men who possess not the least bit of an idea as to this dark proceeding; and

Whereas said petition also outraged Samoan convention and protocol by its indiscretions and imputations on native dignities, honors and rights which have been the cause for innumerable dire occurrences in Samoa in the past, through its ill-use of and attribution of falsehood to persons of rank and consideration; and

Whereas the hereinabove-mentioned committee has heard the protest of several witnesses in the investigation and their declaration of disavowal of and dissent from said petition now that they do know they had been tricked; and

Whereas it has been incorrectly and falsely represented to Washington that the document was from "highest ranking chiefs, orators, and duly representatives of American Samoa," when the investigating committee knows that they are not as represented: Now, therefore, be it

Resolved, That Washington be advised to ignore altogether said petition of May 2, 1951.

THE GOVERNMENT OF AMERICAN SAMOA,
THE LEGISLATURE, OFFICE OF THE FONO,
Tutuila, American Samoa, August 22, 1951.

Hon. PHELPS PHELPS,
Governor of American Samoa:

Whereas the special session of the Fono of American Samoa held on Wednesday, August 22, 1951, resolved the congratulations and a commendation should be extended to His Excellency Gov. Phelps Phelps who is the first civilian Governor of American Samoa, for excellent, satisfactory, and faithful services rendered to the Government of American Samoa, and these self-same services have been evidenced and proven; and

Whereas these commendable services by His Excellency Gov. Phelps Phelps, for the progressive and prosperous welfare of the people of American Samoa are well functioned for the cause of self-improvement in all activities concerned under his governorship; control, and serving for the prosperity and well-being of the people of American Samoa through earnestness, benevolence, patience, and faithfulness; and

Whereas such meritorious action must never go unnoticed by the people of American Samoa: Now, therefore, be it

Resolved, That the hereinabove-mentioned Gov. Phelps Phelps, by these presents be commended and congratulated for such fine work; and be it further

Resolved, That such commendation be published in the CONGRESSIONAL RECORD of the United States Government, and, that such commendation be published in the local monthly paper O Le Featonu for the information of the public; and be it finally

Resolved, That a copy of said commendation be forwarded to the Governor of New York State for the information of the legislature and people of the same State of Gov. Phelps Phelps.

Soifua.

S. F. SATELE,
Chairman of the House of Alii.
M. T. TUIASOSOPO,
Speaker of the House of Representatives.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 2212. A bill to provide a program of cooperation between the Weather Bureau and consulting meteorologists; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAVEZ:

S. 2243. A bill conferring jurisdiction upon the United States District Court for the District of New Mexico to hear, determine, and render judgment upon certain claims for property damage arising as a result of the construction by the United States of Elephant Butte Dam on the Rio Grande; to the Committee on the Judiciary.

By Mr. MAYBANK:

S. 2244. A bill to amend certain housing legislation to grant preferences to veterans of the Korean conflict; to the Committee on Banking and Currency.

(See the remarks of Mr. MAYBANK when he introduced the above bill, which appear under a separate heading.)

By Mr. ECTON:

S. 2245. A bill to approve repayment contracts negotiated with the Frenchtown irrigation district, the Malta irrigation district, and the Glasgow irrigation district, to authorize their execution by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (for himself, Mr. DOUGLAS, Mr. HILL, Mr. HUMPHREY, Mr. LEHMAN, Mr. PASTORE, Mr. AIKEN, Mr. MORSE, and Mr. IVES):

S. J. Res. 107. Joint resolution to establish a Commission on Ethics in Government; to the Committee on Labor and Public Welfare.

AMENDMENT OF CERTAIN HOUSING LEGISLATION TO GRANT PREFERENCES TO VETERANS OF KOREAN CONFLICT

Mr. MAYBANK. Mr. President, the veterans of the Korean war are not, under existing legislation, given preference in the purchase and occupancy of publicly owned war and low-rent housing, and of FHA-aided cooperative housing.

In order to accord the veteran of the Korean war the same treatment as other veterans, I introduce for appropriate reference a bill to place veterans of the Korean war—persons who served in the Armed Forces at any time on or after June 27, 1950, and before a date to be determined by the President—on the same footing as veterans of World War II with respect to the renting or purchase of houses under programs administered by the Housing and Home Finance Agency.

The bill would not, however, give veterans of the Korean war benefits under the Servicemen's Readjustment Act of 1944, as amended, inasmuch as legislation for that purpose is now pending before other committees.

The bill would not result in any increased costs to the Government except for very minor additional administrative costs.

I ask unanimous consent that a summary of the provisions of the bill be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the summary will be printed in the RECORD.

The bill (S. 2244) to amend certain housing legislation to grant preferences to veterans of the Korean conflict, introduced by Mr. MAYBANK, was read twice by its title and referred to the Committee on Banking and Currency.

The summary is as follows:

SUMMARY OF PROPOSED LEGISLATION FOR HOUSING PREFERENCES TO KOREAN VETERANS

LOW-RENT HOUSING

Section 1 would amend the United States Housing Act of 1937, as amended, to include as veterans to whom preferences are given in rental of public low-rent housing aided under that act persons who served in the Armed Forces on or after June 27, 1950, and before a date to be determined by the President.

WORLD WAR II WAR AND VETERANS' HOUSING

Section 2 would give to persons who served in the Armed Forces on or after June 27, 1950, and before a date to be determined by the President the same preferences in the rental of war and veterans' housing and the purchase of war housing under the Lanham Act as are afforded to veterans of World War II.

GREENTOWN PROJECTS

Section 3 would amend Public Law 65, Eighty-first Congress, which provided for sale of the three so-called Greentown projects with preference to groups of veterans, so as to include in the term "veterans" those who served in the Armed Forces on or after June 27, 1950, and before a date to be determined by the President. At the present time, there remain under the jurisdiction of the Housing and Home Finance Agency (administered by the Public Housing Administration) two of these projects located at Milwaukee, Wis., and Greenbelt, Md.

FHA-AIDED COOPERATIVE HOUSING

Section 4 would extend to those who served in the Armed Forces on or after June 27, 1950, and before a date to be determined by the President the special FHA mortgage insurance advantages to veterans afforded by section 213 of the National Housing Act. Under this section cooperatives are given special mortgage insurance benefits proportionate to the percentage of members who are veterans.

COMMISSION ON ETHICS IN GOVERNMENT—REPORT OF A COMMITTEE

Mr. DOUGLAS, from the Committee on Labor and Public Welfare, to which was referred the joint resolution (S. J. Res. 107) to establish a Commission on Ethics in Government, reported it favorably, without amendment, and submitted a report (No. 933) thereon.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 9, 1951, he presented to the President of the United States, the following enrolled bills:

S. 283. An act for the relief of Akiko Mitsuhata;

S. 617. An act for the relief of Pascal Nemoto Yutaka;

S. 1013. An act for the relief of Sister Monica Grant;

S. 1277. An act for the relief of John R. Willoughby;

S. 1437. An act for the relief of Maiku Suzuki;

S. 1464. An act for the relief of Peter Therkelsen Kirwan and Ernest O'Gorman Kirwan;

S. 1499. An act for the relief of Georgette Sato;

S. 1713. An act for the relief of Charles Cooper;

S. 1718. An act for the relief of Elizabeth Bozsik;

S. 1775. An act for the relief of Heinz Harald Patterson; and

S. 1994. An act to authorize the use of the incompleted submarine *Ulua* as a target for explosive tests, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. LEHMAN:

Statement prepared by him paying tribute to Gen. Casimir Pulaski, and commenting on the designation of October 11 as Pulaski Memorial Day.

By Mr. WILEY:

Statement prepared by him and letter addressed by him to Senator JOHNSTON of South Carolina relating to turning over loyalty investigations from the FBI to the Civil Service Commission.

By Mr. MARTIN:

Broadcast by him to the people of Pennsylvania on October 8, 1951, being program No. 51 in series entitled "Happenings in Washington."

By Mr. KNOWLAND:

Address on inflation delivered by Walter P. Casey, before the Brawley (Calif.) Kiwanis Club.

By Mr. ROBERTSON (for Mr. BYRD):

Editorial entitled "Jim Farley's Visit," published in the Syracuse Herald-Journal of September 8, 1951, dealing with the adoption of Hon. James A. Farley into the Iroquois Nation.

Statement entitled "Wake Up, America," by Fred Brenckman, relating to the recent decision of the California Appellate Court declaring the Charter of the United Nations has become the supreme law of the land.

By Mr. DIRKSEN:

Editorial entitled "Korean Goal Still Undefined Despite Bitter Cost," published in the Chicago Daily News of October 6, 1951.

By Mr. MUNDT:

Article by Fulton Lewis, Jr., in the column entitled "Washington Report," discussing the proposal to establish a new political party in the United States.

By Mr. CARLSON:

Resolutions adopted by Kansas League of Municipalities, at Topeka, Kans., on September 17–19, 1951, requesting the enactment by Congress of flood-relief legislation.

CALL OF THE ROLL

Mr. McFARLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Green	McMahon
Bennett	Hayden	Millikin
Benton	Hendrickson	Monroney
Brewster	Hennings	Moody
Bricker	Hickenlooper	Morse
Bridges	Hill	Mundt
Butler, Md.	Hoey	Murray
Butler, Nebr.	Holland	Neely
Cain	Hunt	Pastore
Carlson	Ives	Robertson
Case	Jenner	Russell
Chavez	Johnson, Colo.	Saltonstall
Clements	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Smathers
Cordon	Kefauver	Smith, Maine
Dirksen	Kilgore	Smith, N. J.
Douglas	Knowland	Smith, N. C.
Duff	Langer	Sparkman
Dworshak	Lehman	Stennis
Eastland	Lodge	Taft
Ecton	Magnuson	Thye
Ellender	Malone	Underwood
Ferguson	Martin	Watkins
Flanders	Maybank	Welker
Frear	McCarran	Wiley
Fulbright	McClellan	Williams
George	McFarland	Young
Gillette	McKellar	

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senator from Virginia [Mr. BYRD] is absent because of illness in his family.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Louisiana [Mr. LONG], the Senator from Maryland [Mr. O'CONOR], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

Mr. SALTONSTALL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. NIXON], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Missouri [Mr. KEM] is absent on official business.

The Senator from Wisconsin [Mr. MCCARTHY] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

The Senate resumed the consideration of the bill (S. 1203) to provide for the appointment of additional circuit and district judges, and for other purposes.

Mr. McCARRAN. Mr. President, this proposed legislation, which was reported favorably from the Committee on the Judiciary by unanimous vote, is designed, and is primarily intended, to help relieve the congestion of cases in the Federal courts. There are, however, additional provisions of the bill intended to take care of other situations regarding the Federal judiciary.

I consider—and I think the Senate will agree with me—that this legislation falls into the "must" category because it necessarily affects the liberty and property of our citizens. Nothing should be given greater attention or more prompt consideration than a matter of this kind, which is so fundamental and so close to each individual in this great country.

Simply speaking, this bill will add to the Federal judiciary 18 new district judges and 1 circuit judge. It also provides for the holding of court in additional places, and makes certain technical changes in the law applicable to the Federal judiciary, where it has appeared justified.

The Senate will remember that by Public Law 205 of the Eighty-first Congress additional circuit and district judges were provided for the Federal judicial system in an effort to enable the judiciary to cope with the tremendous backlog of cases, and increased filings of new cases, in districts and circuits where the need was most apparent. As stated in the report on that legislation, it was only intended to take care of the very minimum needs of the Federal judiciary. A further study of the situation, as time has progressed, has shown the need for this additional legislation, in order to hold the ground gained, and to take care of certain situations which are becoming acute, and which were not specifically or adequately dealt with in previous legislation.

The Senate will, I know, keep in mind that this bill deals with one of the three major branches of the Government of the United States. It is incumbent upon the Senate and the Congress of the United States to see that that major branch of the Government is allowed to work effectively for the good of the people. We must not let the judiciary become bogged down by reason of a shortage of Federal judges. It has always been my firm conviction that the Federal judiciary, being so close to the people all over our country, carries the burden of making our democracy work, and that it is therefore essential that the Federal judiciary must give the public adequate and efficient service at all times.

Nothing that I can think of creates more confidence in the people, as regards their Government, than the knowledge that they may appeal to the courts and receive fair, honest, prompt, and efficient treatment of their grievances. At the same time, I know of nothing that can create more discontent than to have action on these grievances delayed for too long, or too superficially dealt with. With adequate judge-power, we get justice not too long delayed nor too hastily administered.

Backlogs and congestions are not conducive to a happy state of affairs; and where these situations exist, they must be taken care of.

Extensive hearings were held on the provisions of this legislation on April 17 and 19, May 1 and 7, and June 15 and 26, in an attempt to bring before the committee, as far as it was possible, the conditions that needed to be remedied in our Federal judiciary. The result of those hearings, as well as the additional data that came to the files of the committee,

are reflected in S. 1203, the bill now before us.

As an indication of what has happened to the judiciary in the past 10 years, let me point out that since 1941 the increase in private civil cases has been over 47 percent; and for all civil cases the increase has been over 42 percent; while during the same period the number of district judges authorized has risen only 12 percent.

The Committee on the Judiciary is convinced that the only possible solution to the problem is to furnish the Federal judiciary with sufficient manpower to staff the courts reasonably and adequately. In the past, all manner of makeshift plans for solution of this problem have been tried; but all have met the insurmountable obstacle of an inadequate number of judges. We are trying now to remove that obstacle. Once the courts are adequately staffed with judges, the backlog of cases can and will be disposed of, and the courts can then remain current in their work.

Mr. President, of course, this program will cost money; and it may be thought by some that in the interest of economy a new circuit judgeship and 18 new district judgeships should not be created. However, let us examine the record. As my colleagues well know, and as I have indicated before, we are dealing here with one of the three major branches of the Government. The national budget for the entire Federal Government for the fiscal year of 1951 is over $75,000,000,000. The portion of this budget which is appropriated for the judges of the Federal judiciary is only $25,304,665. This means that out of the total budget, the judiciary appropriations total about one-thirtieth of 1 percent. It seems to me that for the tremendously important functions of this major and coordinate branch of the Government, such a percentage is very small indeed. In other words, the administration of justice comes pretty cheap, as things go. If, in the interest of economy, we were to abolish all our Federal judges, from the Supreme Court on down, the total savings would be one-thirtieth of 1 percent of our national budget. On this basis, I cannot see where the question of economy should be deemed of any relative importance in dealing with a matter of such grave and major consequence with relation to the fundamental rights of the people.

Most of the provisions of the bill have been recommended by the Judicial Conference of the United States, and the balance are the recommendations of the committee after a careful study of the hearings and the data which came to the committee files.

Let me say a word right here about the Judicial Conference.

Mr. McFARLAND. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. McFARLAND. Has the Judiciary Committee given consideration to changing the jurisdictional limit in the Federal courts, as has been recommended by at least some of the judges in cases of diverse citizenship?

Mr. McCARRAN. That has been before the committee in times past. Recently the committee has not considered the matter.

Mr. McFARLAND. I take it, then, that the committee did not deem it wise to make such a recommendation.

Mr. McCARRAN. Not in connection with this bill. That is a matter which has been studied in the past, and in all probability will come up in a bill by itself.

Mr. McFARLAND. I have another question, if I may interrupt at this time.

Mr. McCARRAN. Certainly.

Mr. McFARLAND. There is one problem that worries many of us, and that is that the two distinguished Tennessee Senators have contrary views regarding the Tennessee judgeship. I think everyone would like to accommodate both of them. What was the recommendation, if any, of the Judicial Conference in regard to those judgeships?

Mr. McCARRAN. I intended to make that known when we reached it, but the Senator's question now brings it squarely up.

Mr. McFARLAND. I ask the question because the Senator said the bill conforms in most instances with the recommendations of the Judicial Conference. Will the Senator from Nevada point out the various instances? Does the bill provide for the creation of more judgeships than were recommended by the Judicial Conference, or what is the difference between the provisions of the bill and the recommendations of the Judicial Conference? If that point is covered in the Senator's prepared remarks, I shall not insist on the question at this time.

Mr. McCARRAN. No, it is not.

Mr. McKELLAR. Mr. President, I hope the Senator from Nevada will do so at this time, because the matter is of importance, and I think we should know.

Mr. McCARRAN. Let me say that the Judicial Conference in dealing with the conditions in Tennessee—and I now hold in my hand the recommendations of the Conference this year—confirmed their recommendation of last year, which I also hold in my hand, as follows:

> Middle district of Tennessee: The creation of one additional district judgeship, with the proviso that the first vacancy occurring in this district shall not be filled.

I shall read that again; this is the recommendation of the Judicial Conference:

> The creation of one additional district judgeship, with the proviso that the first vacancy occurring in this district shall not be filled.

In that instance, the Judicial Conference is dealing with the middle district of Tennessee.

Does that answer the Senator's question?

Mr. McKELLAR. Will the Senator go one step further, and say whether the amendment I have proposed to the bill follows the recommendation of the Judicial Conference?

Mr. McCARRAN. It does.

Mr. McFARLAND. Mr. President, may I ask the Senator from Nevada a further question? I notice that an amendment is pending to increase the number of judges in the Circuit Court of Appeals for the Fifth and Ninth Circuits. Did the committee give consideration to increasing the judgeships in those districts?

Mr. McCARRAN. We did vote to increase by one the circuit judgeships in the fifth circuit. The committee considered creating two additional judgeships in the ninth circuit, but the matter seemed to the committee one which should receive further study. If the amendment calling for the creation of two additional judgeships for the ninth circuit is offered, I shall express myself when I have to cross that bridge.

Mr. McFARLAND. I thank the distinguished chairman of the Judiciary Committee. I shall await his views with interest.

Mr. McCARRAN. Very well.

Mr. KEFAUVER. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. Yes.

Mr. KEFAUVER. The distinguished chairman of the committee has referred to the Judicial Conference. Does the Senator have readily at hand a statement of the action the Judicial Conference has taken with reference to the other provisions for judgeships in the bill? My understanding is that the bill provides for the creation of some additional judgeships which were not recommended by the Judicial Conference—for instance, one in Florida.

Mr. McCARRAN. The Judicial Conference recommended the creation of two additional circuit judgeships for the ninth circuit, and I think we largely followed the recommendations of the Judicial Conference.

Mr. KEFAUVER. Are not several additional judgeships provided for in the bill. I think the committee acted wisely in reviewing the statistics and in listening to the testimony of Senators. Does not the bill provide for the creation of several additional judgeships which were not recommended by the Judicial Conference?

Mr. McCARRAN. Yes; there are some which the record warranted, we believe; and we provided for their creation.

Mr. KEFAUVER. I should like to ask a further question of the distinguished Senator from Nevada.

Mr. McCARRAN. I yield.

Mr. KEFAUVER. As I understand, the Judicial Conference did not consider the question of a roving judge for middle Tennessee and west Tennessee.

Mr. McCARRAN. I shall be unable to answer the Senator's question with any degree of authority because I did not have the privilege of attending the Judicial Conference. I was invited to attend the Judicial Conference, as the chairmen of the Judiciary Committees of the House and Senate are invited, but I did not have an opportunity to attend the conference either this year or the year before.

Mr. KEFAUVER. I thank the Senator.

Mr. McCARRAN. In answer to the Senator's questions, I read from Mr. Chandler's communication, Mr. Chandler being the secretary of the Judicial Conference:

The pending bill provides for the creation of all the judgeships included in previous recommendations of the Judicial Conference which were renewed at the recent annual meeting except two circuit judgeships for the ninth circuit and three permanent district judgeships for the Southern District of New York. The pending bill provides for one permanent additional district judgeship for the Middle and Western Districts of Tennessee, whereas the conference heretofore recommended an additional district judgeship on a temporary basis for the Middle District of Tennessee, and at the recent meeting renewed that recommendation. The pending bill provides for one additional district judgeship for the Southern District of Florida and the Judicial Conference at its recent meeting this week recommended this provision. The pending bill also provides for making permanent the existing temporary judgeship for the Southern District of Texas. The additional district judgeship for the Eastern District of Wisconsin which is now recommended by the Judicial Conference has not heretofore been requested and is not provided for in the pending bill.

That is a communication of date September 28, 1951, addressed to myself.

Mr. President, if I may continue now, I shall conclude my explanation of the bill very shortly. The Judicial Conference of the United States is composed of the senior Federal circuit judges of all the circuits. The conference has a regular meeting once a year, and makes an annual report, including recommendations in the whole field of legislation affecting the Federal judicial system. The provisions of this bill which represent legislative implementation of recommendations by the Judicial Conference constitute by far the major portion of the bill, as I have pointed out; and, in fact, the Judicial Conference has this year reaffirmed its 1950 recommendations, so that it may be said that the Judicial Conference has twice recommended substantially what this bill provides.

Of course, this bill is not intended to be a cure-all for every condition that may need attention; but enactment of this proposed legislation will help to get our judicial system on a firm and healthy footing and keep it there.

As I have stated before, the bill as reported by the committee provides for 1 additional circuit judge and 18 district judges. All of these provisions are dealt with in detail in the committee report.

The committee has carefully gone into each and every one of the provisions of the bill, and has recommended that it be considered favorably. I trust that my colleagues will look with favor upon this proposed legislation, and I herewith recommend the bill to the Senate with the hope that it may be passed speedily.

Mr. SMITH of North Carolina. Mr. President, in the pending bill there is a committee amendment authorizing a roving judge for North Carolina, for the eastern, middle, and western districts of the State.

The PRESIDING OFFICER. Is it the desire of the Senator that this amendment be taken up at this time?

Mr. SMITH of North Carolina. I was going to ask that it be disagreed to. There will be no opposition to it, and we could get it out of the way.

The PRESIDING OFFICER. The Chair may say that the committee amendments are customarily taken up in order.

Mr. McCARRAN. Mr. President, I was going to ask unanimous consent that the bill might be read for the committee amendments.

Mr. SMITH of North Carolina. Very well.

Mr. McCARRAN. I ask that the bill be read for committee amendments.

The PRESIDING OFFICER. That is the regular order. The clerk will state the first committee amendment.

The first amendment was, on page 1, line 4, after the comma, to strike out to and through line 3, on page 2, and insert:

One additional circuit judge for the fifth circuit. In order that the table contained in section 44 (a) of title 28 of the United States Code will reflect the change made by this section in the number of circuit judges for the fifth circuit, such table is amended to read as follows with respect to said circuit:

Circuits	*Number of judges*
* * * * *	
Fifth	7
* * * * *	

Mr. MURRAY. Mr. President, I desire to call up for consideration the amendment which I have on the desk. It is an amendment to the committee amendment, and is offered on behalf of the Senators from Washington [Mr. MAGNUSON and Mr. CAIN] and myself.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. On page 2, it is proposed to strike out lines 4 to 11, inclusive, and in lieu thereof to insert the following:

One additional circuit judge for the fifth circuit and two additional circuit judges for the ninth circuit. In order that the table contained in section 44 (a) of title 28 of the United States Code will reflect the changes made by this section in the number of circuit judges for said circuits, such table is amended to read as follows with respect to said circuits:

Circuits:	*Number of judges*
* * * * *	
Fifth	7
* * * * *	
Ninth	9
* * * * *	

Mr. MURRAY. Mr. President, this amendment provides two additional circuit judges for the ninth circuit. It is necesary because of the great influx of population into that area. Six million people have moved into the area since 1940, and as a result of that huge increase in population and the legislation which is being enacted in the various States comprising the ninth circuit, the volume of business has grown tremendously. It has always been, of course, a very busy circuit court, because the area comprises seven Western States, all of which are mineral-producing States. They provide a huge amount of litigation connected with the mining industry. Furthermore, there is much litigation in connection with the vast development that is going on in those Western States. It seems to me that no one could object to this proposal, because it is recommended by the Judicial Conference and by the bar association of California and the bar associations of the various States comprising the ninth circuit.

I have a letter from the Chief Judge of the Circuit Court, Mr. William Denman, in which he points out the facts to which I have referred. He says:

This area presents the greatest diversity of litigation of any of the circuits, arising from the diversity of its peoples' cultures, occupations, manufactures, agricultures, fishing, and air, sea, and land transportation—all reflected in new laws from 10 highly productive legislatures.

He further says:

The average for the other circuit judges of the United States is but 45 docketings, that is, each ninth circuit judge has 54 percent more than this average. The history of the productive power of the present 7 judges in this greatest diversity of legal problems shows they are unable to take care of more than the average of docketings for each circuit judge.

The arrearages of the circuit's litigants are the greatest in the history of the court and are increasing daily. The details of the above appear in the accompanying statement.

I ask that the letter and the accompanying statement be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter and accompanying statement were ordered to be printed in the RECORD, as follows:

UNITED STATES COURT OF APPEALS,
NINTH JUDICIAL CIRCUIT,
San Francisco, Calif., September 12, 1951.

Re amending Senate bill 1203. The litigants' need for two additional circuit judgeships for the ninth circuit.

Hon. JAMES E. MURRAY,
United States Senate, Washington, D. C.

DEAR SENATOR: Since 1940 6,000,000 people have moved into the ninth judicial circuit, consisting of the 7 Western States, Alaska, Hawaii, and the Pacific Islands.

This area presents the greatest diversity of litigation of any of the circuits, arising from the diversity of its peoples' cultures, occupations, manufactures, agricultures, fishing, and air, sea, and land transportation—all reflected in new laws from 10 highly productive legislatures.

The new litigation created by this 6,000,000 added population had its appeals begin to reach our court shortly before July 1, 1950. In the succeeding fiscal year they mounted to 409 and in the last 4 months are coming in at the rate of 489 per annum, that is 69.9 docketings apiece for each of the present 7 judges.

The average for the other circuit judges of the United States is but 45 docketings, that is, each ninth circuit judge has 54 percent more than this average. The history of the productive power of the present seven judges in this greatest diversity of legal problems shows they are unable to take care of more than the average of docketings for each circuit judge.

The arrearages of the circuit's litigants are the greatest in the history of the court and are increasing daily. The details of the above appear in the accompanying statement.

We urge you to aid these litigants and our court by voting to restore to the Senate omnibus judges bill No. 1203, the provision for the two additional judgeships for this ninth circuit as recommended by the Judicial Conference of the United States and by the California State Bar Association.

Very faithfully yours,

WILLIAM DENMAN,
Chief Judge.

THE LITIGANTS' NEED FOR ADDITIONAL JUDGESHIPS FOR THE NINTH JUDICIAL CIRCUIT—STATEMENT ON THEIR BEHALF AND THAT OF NINTH CIRCUIT CONFERENCE BY CHIEF JUDGE WILLIAM DENMAN

The ninth judicial circuit, with the greatest diversification of Federal litigation of all the circuits, which has received the largest 10-year increase in population in the recent history, requires two more judges on its court of appeals.

A. THE STATISTICS OF THE GENERAL INCREASE IN THE NINTH CIRCUIT'S LITIGATION

Your ninth circuit has had the most extraordinary population increase and voluntary population movement in the recent history of the world, and I am saying "in the world" with intent. Nothing equals it in volume except the involuntary Russian deportation of the Kulaks from their farms into prison labor in Siberia.

Five million two hundred and eighty-one thousand people have come by migration or birth into the ninth circuit in the last 10 years, increasing the population from 11,922,953 in 1940 to 17,204,295 in 1950. This is against a population increase for the remainder of the country of 14,667,573. Excluding the ninth circuit, the decade's increase for the country is 10.9 percent. For the ninth circuit it is 44.3 percent.

Incidentally this mere decade's increase exceeds by 1,350,000 people the total population for the United States when Washington became President. The mere increase is 2⅓ times the total of the people in the ninth circuit in 1891 when its court of appeals was created.

The rate is 528,000 a year and it is safe to say that by the time the bill here considered is disposed of by the Congress, the ninth circuit will have had added to it 6,000,000 people since 1941.

It is true that in certain areas of the United States their population produces less litigation and in others more litigation than the average of the whole country. Hence comparison of mere population increase to litigation must be used with caution. However, the ninth circuit increase comes from every walk of life and every income bracket and from every State in the Union. It was reasonable to expect that soon after settlement they would produce something corresponding in an increase in litigation.

On this basis of comparison, the figures given by the statistical section of the Administrative Office show the following: The 5,282,000 increase would produce annually in the trial courts 1,857 civil cases and 1,237 criminal cases, requiring on the average of all the other districts and circuits, 7.5 additional district judges and 2.2 additional circuit judges.

The fact is that the ninth circuit's docketings have had a vastly greater decade's increase than that shown by this anticipatory calculation. This is due in part to the decade's great increase in Federal legislation of a regimentary character. The rest is largely due to outpouring of similar legislation from ten legislatures, seven of the States of Washington, Idaho, Montana, Oregon, Nevada, Arizona, and California, two of the Territories of Alaska and Hawaii, and one of our possessions, Guam.

From all these causes the actual civil docketing in the circuit's trial courts rose gradually in the decade from 3,541 in 1941 to 7,018 in 1950. The decade's increase is 98 percent while that of the remainder of the Nation, excluding the ninth circuit and the District of Columbia, is 39.1 percent. That is to say the ninth circuit rate of increase in civil cases is two and one-half times that of the comparable other nine circuits.

Of far greater importance in determining the burden of appellate courts is the number of cases actually reaching trial in the lower courts, from which appeals arise. In the ninth circuit the number is markedly in excess of the average of the rest of the country. In 1950 the total of civil cases reaching trial in the United States, excluding the ninth circuit, was 5,317. That is 531-plus each for the average of the 10 other circuits. The ninth circuit lower courts had 1,222 such trials; that is over 100 percent more than the average of the other circuits. On the same comparison the criminal docketing reaching trial in the ninth circuit's lower courts is greater than the average of the rest of the country by 46.7 percent.

There is a wide divergence of view as to the wisdom of the extent of the Nation's and the States' and Territories' regimentation of the lives of their citizens. But so far as concerns the circuit's litigants, they, in the language of Grover Cleveland, are confronted by "a condition and not a theory."

B. NEW JUDGESHIPS RECENTLY CREATED CAUSE INCREASE IN APPEALS

So far as concerns the district courts in the ninth circuit's States and Territories, Congress has responded fully to our need, save in the third division of Alaska and in Arizona. In the 3 years preceding the last decade, it gave the circuit two new judgeships, in the last decade seven more, and in this year another one for Guam. However, five of these judgeships were created in August 1949, and one in 1950, and none of the positions filled until 1950 and 1951, hence the impact of the appeals from their decisions is not reaching us until the 1951 fiscal year.

C. THE NEED OF THE LITIGANTS OF THE COURT OF APPEALS OF THE NINTH CIRCUIT FOR TWO MORE CIRCUIT JUDGES, BECAUSE OF THE BURDEN OF ITS GREATEST VARIETY OF CASES AND ITS INCREASED AND CERTAINLY INCREASING CASE LOAD

The Judicial Conference of the United States and the California State Bar Association have recommended to Congress the creation of these two circuit judgeships. The decade's increase of 44 percent of its population and 98 percent in docketings in the lower courts, such docketing producing 100 percent more trials than the country's average, has been described above. It is from this source that the court of appeals receives the burden.

When we consider the number of circuit judges to all the trial judges, including those of the Territories and dependencies, producing the litigation from which appeals arise, the comparison of the ninth circuit to the rest of the country is more striking. Omitting the ninth circuit, as of 1950 the rest of the country had 58 circuit judges taking appeals from 187 trial judges; that is 1 circuit judge for 3.22 trial judges. For the ninth circuit the 7 judges take appeals from 37 trial judges or 1 appellate judge for 5.28 trial judges. That is to say, the ninth circuit's circuit judges take appeals from over 60 percent more trial judges than the rest of the country.

We have had seven circuit judges since June 1937. Since that time the number of district judges of the 9 States and Territories has risen from 27 to 37, an increase of 37 percent. As seen, six of these were not appointed until the fiscal year 1950 and the impact of the appeals from their decisions is just beginning to reach us.

Our docketing in the fiscal year 1951 was 409. In the last 4 months it has risen to the rate of 489 per annum or a case load of 69.9 per judge, against an average in 1951 of all the circuit judges of the country of but 45. For each ninth circuit judge, this is 54 percent more than the country's average. On these figures the ninth circuit should have at least the two judges recommended by the conference.

As of today, the ninth circuit's appellant litigants are suffering under the greatest arrearages of cases at issue and to be tried, and cases submitted and not decided, since we have had seven judges. Our court has the longest period of pendency of litigation of any of the nine other comparable circuits.

D. THE GREATEST DIVERSITY OF LEGAL PROBLEMS IN THE NINTH CIRCUIT

Apart from the burden shown by the statistics is a more cogent reason why the circuit's litigants should have these added circuit judges. The ninth circuit judges have greatest diversity of character of legal questions. Ten of the Nation's most vigorous State and Territorial legislatures are pouring out their reforming and regimentary laws with which its circuit judges are confronted, while the average for the remaining nine comparable circuits is but four and one-half legislatures. In this respect the ninth circuit has double the load to carry.

When the character of the legislation is examined, its burden is much greater. These laws flow from the people in Alaska, in the frigid zone, down the Pacific coast and Mountain States from Canada to Mexico and out to Hawaii and to Guam, both in the Tropics with an infusion of Asiatic and South Pacific people. The difference in climate, terrain, and races creates the greatest diversity of political and social relationships. Its vast and varied areas from its mineralized and forested mountains through its rich valleys to the Pacific and out in its islands have their equally varied agriculture, including pineapple and sugarcane, citrus and deciduous fruit orchards, cattle raising, lumber mills, mines and oil fields, irrigation under the inherited Spanish law, water-power plants supplying all kinds of manufacturing enterprises, land transportation and world maritime commerce, each producing its kind of litigation.

While all the above may sound like the literary outpourings of a chamber of commerce secretary, for the ninth circuit litigants and its courts it is the exact truth. Its burden in variety of law and volume of cases is more than the litigants' present circuit judges are able to master and the recommendations of the Judicial Conference and the California State Bar Association for two additional judges are amply warranted.

Mr. McCARRAN. Mr. President, with reference to the amendment offered by the Senator from Montana, I may say the State of Montana is embraced in the ninth circuit. There is no question that there has been a terrific influx of population into the Pacific Coast States. There is no question that the workload in the ninth circuit is exceedingly heavy.

Of the seven judges now on the bench in the ninth circuit, four are from one State, three of them from other States. The States of Washington, Oregon, Idaho, Montana, Arizona, and Nevada, together with the Territories of Alaska and Hawaii, are comprised in the ninth circuit.

Speaking for myself only in this matter, the reason the chairman did not favor two additional judges for the ninth circuit was that he could not secure any understanding at all that the other

States of the ninth circuit would be recognized for membership on that bench.

I have nothing whatever against the State of California. I am very happy to be in a neighboring State of the great State of California. I admire the bench and bar of California, which are among the best in the Nation. But I think the other States which comprise that great region should be represented by membership on the Ninth Circuit Court. For that reason, I thought it best that we bring up the matter by a bill separate unto itself.

I shall not oppose the amendment. I hope that the spirit in which the amendment may be adopted, if it be adopted, will be recognized by the appointive power, those who select judges for the Ninth Circuit Court of Appeals.

Mr. MURRAY. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. MURRAY. Mr. President, I agree with the views of the distinguished Senator in charge of the bill. I think it is recognized by everyone that the Western States are constantly increasing in population. My own State of Montana during the past 2 years has increased in population as the result of the industrial development occurring there, including the development of public power and various industries that are being established there. The same is true of the other States and Territories that are included in that area. It seems to me that the States other than California which are not represented in the Ninth Circuit Court of Appeals should have some consideration in connection with the filling of these judicial positions.

Montana has always been a great mining State. A tremendous volume of very important mining litigation has arisen in the State, some of which has gone to the Supreme Court, and resulted in leading cases in mining law. The same is true of other Western States with regard to reclamation and industrial problems of various kinds. So it seems to me that there should be on the bench men coming from some of the other States in that district who are versed in mining law, in reclamation law, resources development, and in other subjects which are of great importance to western growth and development.

Mr. McCARRAN. Mr. President, I wish to say in further connection with the amendment that the chairman of the Judiciary Committee is not interested from the standpoint of his own personal interest, because the State of Nevada, which I represent, has a judge on the Ninth Circuit Court of Appeals. But the other States, the States of Washington, Oregon, Idaho, Montana, and Arizona, and the Territories of Alaska and Hawaii, should certainly be recognized by the appointment of a judge on that bench.

The amendment offered by the Senator from Montana is recommended by the Judicial Conference. It was not put into the bill by the committee for the reasons which I have stated. I hope the spirit in which it may be now inserted in the bill on the floor of the Senate will be recognized, and will be considered by the appointive power when it comes to considering appointments to the Ninth Circuit Court of Appeals.

Mr. KNOWLAND. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. KNOWLAND. I merely wish to say that my junior colleague from California and myself are supporting the amendment offered by the Senator from Montana because we believe that the tremendous growth which has taken place in the ninth circuit justifies additional judges in that circuit, and I hope the amendment will be accepted by the able chairman of the Judiciary Committee.

Mr. McCARRAN. I am entirely content, so far as I have the authority to do so, to accept the amendment offered by the Senator from Montana.

Mr. CAIN. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield to the Senator from Washington.

Mr. CAIN. As one of the cosponsors of the amendment, I believe the case in support of adding two judges to the ninth circuit is clear and positive. I wish, however, to be strongly associated with the observations just made by the distinguished chairman of the Judiciary Committee, the Senator from Nevada [Mr. McCARRAN].

It appears to be the case that a majority of the ninth circuit judges have been appointed from one State, and that nearly all of the present judges come from one political party. It is bad for the health of the judiciary and for justice when any circuit becomes lopsided as to geography and politics. These considerations should be before the President when he appoints the two new judges to the Ninth Circuit Court of Appeals.

The PRESIDING OFFICER (Mr. FREAR in the chair). The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MURRAY].

Mr. MURRAY. Mr. President, I should like to have the RECORD show that the Senator from Washington [Mr. MAGNUSON] is also associated with the other Senator from Washington [Mr. CAIN] in proposing the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana for himself and other Senators to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the committee amendment, as amended, is agreed to.

The clerk will state the next committee amendment.

The LEGISLATIVE CLERK. Beginning in line 15, on page 2 it is proposed to strike out "one additional district judge for the District of Connecticut."

The amendment was agreed to.

The next amendment was, on page 2, line 17, to strike out "two" and insert "one."

The amendment was agreed to.

The next amendment was, on line 18, page 2, to strike out "judges" and insert "judge."

The amendment was agreed to.

The next amendment was, in line 22, page 2, to strike out "three additional district judges for the southern district of New York."

The amendment was agreed to.

The next amendment was on page 2, line 23, to insert "one district judge for the eastern, middle, and western districts of North Carolina."

Mr. SMITH of North Carolina. Mr. President, at the time the committee placed that amendment in the bill, the senior Senator from North Carolina and I thought it was probably the proper way to take care of the situation in North Carolina. There are three district judges in our State. The committee amendment provides for a roving judge for the three districts.

Upon further reflection and after making some further studies, although such studies are not complete, we have found that since 1940 the number of pending civil cases in the eastern district has risen from 119 to 267, or more than 100 percent.

In the middle district for the same period the figure has risen from 65 to 101, or more than 50 percent. In addition, there has been no progress in reducing the backlog of cases in any district, and in the eastern and middle districts there has been a considerable increase in the backlog of cases pending, to the extent of approximately 100 percent since 1940.

On the criminal side, the cases per judge for the eastern district amount to 730 as against the national average of 169 in 1950. For the same year the criminal cases per judge in the middle district were 454 as against the national average of 169, and in the western district for the same year the figure is 392 as against 169 for the national average.

Therefore, Mr. President, it is apparent that an additional judge is needed in North Carolina; but on further reflection we have reached the conclusion, that is to say, the senior Senator from North Carolina [Mr. HOEY] and I, that this is not the proper way to accomplish the objective, and, therefore, we feel that it would be better to delete the amendment from the pending bill in order that we may have an opportunity to make a further investigation and study to the end that we may recommend the passage of a bill which will more nearly fill the needs of our State. That means that we shall have to canvass and study the various counties in the various districts, since a tremendous increase in business of more than 100 percent has occurred in one district and more than 50 percent in another.

Therefore, Mr. President, I request that the committee amendment be disagreed to, the effect of which will be to eliminate North Carolina for the present with respect to an additional judge.

Mr. McCARRAN. Mr. President, so far as the chairman of the Judiciary Committee has authority to do so, I accept the suggestion of the Senator from North Carolina.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 23, inserting the words "one district judge for the

eastern, middle, and western districts of North Carolina," and to strike out lines 13 to 15, on page 5, of the bill.

The amendment was rejected.

Mr. SMITH of North Carolina. I also ask that the committee amendment on page 5, lines 13 to 15, be disagreed to.

The PRESIDING OFFICER. Without objection, the amendment referred to by the Senator from North Carolina is rejected.

Mr. McCARRAN. Mr. President, I ask unanimous consent to revert to line 19 on page 2 of the bill. The reason for that is that I am advised by the junior Senator from Georgia [Mr. RUSSELL] that he desires the deletion on lines 19 and 20 of the words "one additional district judge for the northern district of Georgia." That being true, I would move to delete that language.

The PRESIDING OFFICER. The Senator from Nevada moves to delete language on lines 19 and 20 of page 2 of the bill.

Mr. McCARRAN. It would also mean the deletion of the language in lines 19 and 20 on page 4.

The PRESIDING OFFICER. That language in the table would be deleted if the Senator's motion is agreed to.

The question is on the motion of the Senator from Nevada [Mr. McCARRAN] to delete certain language in lines 19 and 20 on page 2.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, the corresponding change will be made in the table on page 4, that is the language in lines 19 and 20 on page 4 in the table will be deleted.

The next committee amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 1, after "Ohio", it is proposed to insert the words "one additional district judge for the eastern district of Pennsylvania."

The amendment was agreed to.

The next committee amendment was, on page 3, line 3, to strike out the words "one additional district judge for the middle district of" and insert the words "one district judge for the middle and western districts of."

The PRESIDING OFFICER. Without objection——

Mr. McKELLAR rose.

Mr. McCARRAN. This is Tennessee now.

The PRESIDING OFFICER. The senior Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, the senior Senator from Tennessee is ready to vote on the amendment.

The PRESIDING OFFICER. The senior Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, this is a rather remarkable case in many of its aspects. Three years ago our district judge at Nashville was stricken with heart trouble and was sick for some time, and fell behind with his work, only because of his illness. He was a splendid judge. He is a splendid man. Therefore it was found necessary to introduce a bill. Both Senators from Tennessee introduced bills to create an additional judgeship for Tennessee. Not a word was said about west Tennessee in either bill. If I remember correctly, the bills were substantially the same. A very large amount of evidence was taken on those bills. The lawyers of middle Tennessee are overwhelmingly for the bills as introduced by both Senators. Both Senators were present when the hearings were had. There was not then raised any question of the kind which has since been raised.

As is usual in such cases the suggestion regarding this additional judgeship was first presented to what is called the Judicial Conference of the United States, and after a full and careful examination, the Judicial Conference recommended that an additional judgeship in Middle Tennessee should be provided for. Neither bill was passed at that time.

The next year the senior Senator from Tennessee introduced a bill, and the junior Senator from Tennessee announced that he thought he would introduce a bill for the same purpose again, but upon examination it was found that he had not introduced such a bill. He testified in the case. He said it made little difference with him whether there was a roving judge for west Tennessee or whether, if any one of the three judges got behind with his work, a judge would be assigned to the district where he was needed, as had been done before, as all of us who are lawyers, know.

Up to that time, Mr. President, the record shows that not a single solitary word of any kind had been spoken or mentioned about a roving judge. I do not remember the exact dates, but probably a year or 2 years had elapsed before anything was said about a roving judge. I believe it was mentioned at the last hearing. Remember, all the lawyers from middle Tennessee had been present at the hearings. The subject had gotten the greatest notoriety, but nothing was said about a roving judge until, I believe it was, the last hearing, or the last hearing but one, when my colleague, the junior Senator from Tennessee stated that he wanted a roving judge for west Tennessee. He was asked his reason, and his reply was that west Tennessee had increased in population. That is true. Tennessee had not gained a new Representative in Congress, I am sorry to say, but its population had increased.

Now mind you, Mr. President, not a single word had been said about a roving judge up to that time. The junior Senator from Tennessee testified he thought it would be perhaps a little better to have a roving judge, though he did not think it would make much difference. That is his testimony. I wanted to know why a roving judge was wanted. A roving judge can be appointed from any part of the State or any part of the district in which judgeships are created. But a roving judge cannot be appointed for west Tennessee from middle Tennessee, unless the words "roving judge" are used, or words to that effect.

I asked the junior Senator from Tennessee if he had heard from anyone in west Tennessee asking that a roving judge be appointed. The record is open to anyone. It was rather a roving answer. Indeed, I thought the answer was very roving. He said that in his opinion a roving judge should be created because of the increase in population. I do not recall that theory ever having been advanced before. As I told him at the time, it seemed to me like a case of politics. Someone wanted a judge appointed from west Tennessee, but a judge could not be appointed from west Tennessee unless he were a roving judge.

This is the testimony on one side—the testimony of one single witness. It is true that since the last hearing the junior Senator from Tennessee has been quite active in obtaining views from certain lawyers in west Tennessee. They were asked if they did not want a roving judge. Indeed, things became so active that while the Memphis Bar Association had well nigh unanimously expressed its opinion in favor of a judgeship for middle Tennessee, making the statement that a judge for west Tennessee was not necessary or desirable at that time because the judge was up with his docket and no cases were behind, that evidence did not seem to weigh with the distinguished gentleman from Tennessee who is the junior Senator from our State.

Let me explain what I mean by "middle Tennessee," "west Tennessee," and "east Tennessee." I am using those terms as though Senators knew how our State is divided. There is a sort of natural subdivision of the State. That part of the State east of the Great Smoky Mountains, which are a part of the Alleghenies, is called east Tennessee. Between the mountains on the east and the Tennessee River on the west is the area called middle Tennessee. By the way, contrary to what one might expect, that river flows north through Tennessee. It dips down into Alabama and Mississippi, and then comes back and forms the boundary line between west Tennessee and middle Tennessee. That part of our State between the mountains and the Tennessee River is called middle Tennessee. That part of the State between the Tennessee River and the Mississippi River, which flows in nearly exactly the opposite direction, forms west Tennessee. Those distinctions have been observed from the beginning of our Tennessee history.

Let us see for a moment about west Tennessee. I told the junior Senator from Tennessee, when he first brought the matter up, that I had never heard of a single solitary person in west Tennessee who wanted an additional judge. If there were a chance to get another judge there, the people in that district might be expected to want one. But not a single soul had ever written me on the subject. I challenged the junior Senator from Tennessee to say whether he had ever received a single request from west Tennessee for the appointment of a roving judge. I would not say that he beat around the bush.

The record is there. It speaks for itself. However, he answered with considerable hesitation. He stated that he had received a letter, or letters, which he could read into the record. I said, "Read them into the record." I am a great believer in reading things into the record. I asked that the letter or letters be read into the record, and at my request the junior Senator from Tennessee very kindly read a letter.

What, Mr. President, do you suppose that letter was about? It was not about a roving judge at all. The letter was a petition. While it was in the form of a letter it was really a petition from a very excellent young lawyer—I am not sure that he is a young lawyer, because time passes so rapidly as we become older; but he is a lawyer at Dyersburg, Tenn., which is in the western part of the State. The letter was not in the form of a request for a roving judge at all. It asked the junior Senator from Tennessee to use his mighty influence to have a judicial district created in west Tennessee, like the one we have at Jackson. That was the subject of the letter. There was not a word in it about a roving judge. This lawyer merely wanted a judgeship. The letter mentioned the judge whom the writer wanted to hold court. It was Judge Boyd, a distinguished and able judge in west Tennessee. There was not one word about a roving judge.

Since that time I understand that the junior Senator has received two or three other letters—perhaps half a dozen. I have not counted them, but there are not many. The other day he stated that he had not applied to anyone for letters of that kind. It developed that not only had the Bar Association at Memphis, Tenn., been applied to, but that after it had expressed itself against a roving judge, it again considered the question at the request of the junior Senator from Tennessee. The second time it turned down the application.

Let us see what the proof is on the other side. The Judicial Conference, whose duty it is to pass upon just such a matter, came to the conclusion that a temporary judge was needed.

Mr. President, the amendment which I have offered reads: "One additional district judge (the first vacancy in which office shall not be filled) for the middle district of" Tennessee. It is a very simple amendment. It is what the people of middle Tennessee want and what the judicial conference wants.

There are three Federal judges, one for each district in Tennessee, and two circuit judges, Judge Hicks and Judge Martin.

Inasmuch as Judge Martin was appointed district judge and held that office for some years before he was appointed circuit judge, I shall ask the indulgence of the Senate to read just what the situation is in Tennessee. The letter is addressed to me. I inquired of him. I was not ashamed to ask about the district judgeship situation when it came up in my State. Of course, I asked about it. Judge Martin writes:

In reply to your inquiry as to whether in my opinion there is necessity for a roving judgeship to include the western district of Tennessee, I desire to express the emphatic opinion that there is not.

With your strong endorsement—

Of course, he is wrong about that, because my endorsement is not strong—

I had the honor to be appointed and to serve as United States district judge for west Tennessee from May 8, 1935, to September 16, 1940.

This is a man who is not judging things by population. This man was born and reared there. I remember when John D. Martin was not as tall as some of the fine-looking page boys I see before me.

I repeat a little from the letter:

I had the honor to be appointed and to serve as United States district judge for west Tennessee from May 8, 1935, to September 16, 1940, when, again with your endorsement, I was appointed to the United States Court of Appeals for the Sixth Circuit, on which court I have continuously served to this date.

Someone may say—and I am sure my friend the junior Senator from Tennessee, will say—that politics is involved; that I appointed this man. Well, I had recommended Judge Boyd, too. Of course I recommended Judge Martin. But the law gave me that right, and I am not ashamed of recommending him. I exercised my right.

The letter continues:

When I went on the district bench in 1935 I found a heavily congested docket, including more than 400 war risk insurance cases. By holding daily sessions, including Saturdays, and 70 night sessions, I was able to bring this calendar to currency within 14 months, during which time I had also served by designation for 3 weeks at Louisville, Ky. I was able to keep the docket current during the full period of my incumbency and to serve additionally for several months in other districts, including 9 weeks on the TVA trial at Chattanooga; several sessions with Judges Gore and Taylor on land condemnation at Knoxville; another period at Louisville; several weeks at Columbus, Ohio; and a month or so in the southern district of Mississippi. When I went off the district bench there was no more current district in the 84 districts of the United States. We were trying cases in all departments of our jurisdiction within 30 to 90 days of the filing of the action or the indictment.

My successor—

Here comes the real meat of this case—

My successor, Judge Marion F. Boyd, by zealous, diligent and continuous service, has kept the docket in a completely current condition, as the official statistics of the administrative office will show.

I stop in the reading long enough to say that not only does Judge Martin make that statement, but Judge Hicks makes the same statement. Incidentally, I am sometimes charged with being a partisan. I am a Democrat, and I am proud of it. However, I recommended Judge Xen Hicks, who is a good Republican, for the office he holds, and he has made an excellent judge. If there was any politics about that appointment, I never knew it. There may be politics as the junior Senator from Tennessee views it; he may find politics in it; but he cannot find half as much politics in that as I find in his desire to take in west Tennessee under the peculiar circumstances of this case. The only way it can be explained, Mr. President, is that someone in west Tennessee wants the judgeship and the junior Senator from Tennessee wants to indorse him for it.

It is true he said he did not expect to have a person he recommended appointed. He may have gone further than that; he may have said that he would not expect to have a person he recommended appointed if I would make an agreement about it. However, I do not make agreements about such things. I think the suggestion should be turned down.

I continue to read from Judge Martin's letter:

Because of the long continued illness of Judge Davies, a situation developed in middle Tennessee which required attention, as the cases were piling up. Dale Hollow and Center Hill projects near Cookeville brought many land condemnation suits which the Government and the landowners were unable to settle.

By the way, Mr. President, both those places are in middle Tennessee.

I read further from Judge Martin's letter:

So, by designation of Judge Hicks, last summer I went to Cookeville and held six extended daily sessions each week for 5 weeks and tried 57 condemnation cases to juries and one case in which the jury was waived.

I am reading from the letter of Judge Martin, Mr. President. He is a circuit judge for the Sixth Circuit. However, the fact that he is a circuit judge does not mean that he is above trying law suits. He does try law suits. The junior Senator from Tennessee talked a great deal during the recent fracas in Tennessee, as well as in other parts of the United States, in regard to crime. If he had brought any of his law suits before Judge Martin or any of these other judges, the suits would have been tried long before this. As a matter of fact, I do not know whether they have been tried by now. I have not seen any word in the newspapers to the effect that they have been tried, although I hope they have been, for any man who violates a law should be tried.

Judge Martin in his letter states that he tried 57 condemnation cases. We lawyers know what that means. That is not child's play; it is work. All lawyers know that. That is a place for work and for a working lawyer.

Judge Martin goes on to say in his letter:

Judge Chandler of Oklahoma gave about a month's time at Nashville and cleaned up the criminal calendar in the summer of 1950.

He did that because of the trouble with the docket in middle Tennessee. However, there is not a word about west Tennessee. Why? Because west Tennessee was not behind a single case, but was up with the docket. I happen to remember something about the matter, not only from personal presence, but also because one of the first cases I ever tried

in the circuit court of appeals was before Circuit Judge William Howard Taft, at Memphis, when he came there to clear up the docket at Memphis.

By the way, Mr. President, if the Senate will pardon me for a minute, let me say that I thought Judge Taft was a fine judge, too. He decided that case in my favor. Indeed, he had two cases, and he decided both of them in my favor. I conceded beyond question that he was a most able judge. He was also one of the most delightful characters God ever made.

I read further from Judge Martin's letter.

> Subsequently, the Judicial Council of the United States, composed of the chief justice and the chief judges of all the circuits, made the recommendation to Congress of an additional judge for middle Tennessee to be included in the so-called judicial omnibus bill—

Which is the bill that is before us now—

> now pending in the Senate. The inclusion of the western district of Tennessee was not recommended.

Mr. President, it has never been recommended officially by any human soul, except one, and that is the junior Senator from Tennessee. Incidentally, the proof in that connection is not in the record. Since the record was closed, that proof has been taken in an effort to bolster up this peculiar kind of transaction. Surely, Mr. President, we have not come to the time when judges are selected in such a way.

Here and now I want to call on my colleague to withdraw his objection to this amendment. He is the only person in Tennessee who favors the particular form of the bill that he recommends, unless he has induced someone else to endorse it. The judges do not want it. The bar associations do not want it, although I believe the junior Senator from Tennessee did get the bar association in Haywood County or some other county to endorse his proposal. I know all the counties of Tennessee by name; I learned them from beginning to end 35 years ago, and I can repeat them to this day. I think it was the bar association in Haywood County that endorsed the proposal of the junior Senator from Tennessee. If he has the endorsement of some other bar association, he probably has gotten it since that time. I think the Bar Association of Haywood County wants a roving judge appointed, so they said.

I read further from Judge Martin's letter:

> As a former judge of the western district of Tennessee and now as a member of the Sixth Circuit Judicial Council and, as such, a supervisor of the work of the district courts, I can unhesitatingly state that there is no need for an additional district judge for this district.

Mr. President, Judge Hicks, who belongs to a different party, has in the record a letter or a telegram, I believe—I wish to be accurate—in which he says there is no necessity for an additional district judge for that district.

The bar of Memphis officially have said there is no need for it.

My heavens, Mr. President! If there were a chance for an appointment of this sort to go to one of the many fine lawyers in Memphis—and some of the best lawyers in the world live there; I know, because I have had experience with them; I have fought with them, and I know what kind of men they are—one of them would be delighted to wind up his career by being appointed to a judgeship of this sort.

Mr. President, I have only a little more to say about this matter.

At this point I ask unanimous consent that the entire letter from Judge Martin, to which I have referred, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COURT OF APPEALS,
FOR THE SIXTH CIRCUIT,
MICHIGAN-OHIO-KENTUCKY-TENNESSEE,
August 22, 1951.

Hon. KENNETH MCKELLAR,
United States Senator,
Washington, D. C.

DEAR SENATOR MCKELLAR: In reply to your inquiry as to whether in my opinion there is necessity for a roving judgeship to include the western district of Tennessee, I desire to express the emphatic opinon that there is not.

With your strong endorsement, I had the honor to be appointed and to serve as United States District Judge for West Tennessee from May 8, 1935 to September 16, 1940, when again with your endorsement I was appointed to the United States Court of Appeals for the Sixth Circuit, on which court I have continuously served to this date.

When I went on the district bench in 1935, I found a heavily congested docket, including more than 400 war-risk insurance cases. By holding daily sessions, including Saturdays, and 70 night sessions, I was able to bring this calendar to currency within 14 months, during which time I had also served by designation for 3 weeks at Louisville, Ky. I was able to keep the docket current during the full period of my incumbency and to serve additionally for several months in other district, including 9 weeks on the TVA trial at Chattanooga; several sessions with Judges Gore and Taylor on land condemnations at Knoxville; another period at Louisville; several weeks at Columbus, Ohio; and a month in the southern district of Mississippi. When I vacated the district bench, there was no more current district in the 84th district of the United States. We were trying cases in all departments of our jurisdiction within 30 to 90 days of the filing of the action or the indictment.

My successor, Judge Marion S. Boyd, by zealous, diligent, and continuous service, has kept the docket in a completely current condition, as the official statistics of the administrative office will show.

Because of the long continued illness of Judge Davies, a situation developed in middle Tennessee which required attention, as the cases were piling up. Dale Hollow and Center Hill projects near Cookeville brought many land condemnation suits which the Government and the land owners were unable to settle. So, by designation of Chief Judge Hicks, last summer I went to Cookeville and held six extended daily sessions each week for 5 weeks and tried 57 condemnation cases to juries and one case in which the jury was waived. Judge Chandler of Oklahoma gave about a month's time at Nashville and cleaned up the criminal calendar in the summer of 1950, and Judge Leslie Darr of the eastern district of Tennessee also, from time to time, gave additional aid to the middle district. But, inasmuch as Judge Davies continued to be partially disabled and could not hold long session hours, the Judicial Council for the Sixth Circuit recommended the creation of an additional judgeship for the middle district of Tennessee. Subsequently, the Judicial Council of the United States, composed of the Chief Justice and the Chief Judges of all the circuits, made the recommendation to Congress of an additional judge for middle Tennessee to be included in the so-called judicial omnibus bill now pending in the Senate. The inclusion of the western district of Tennessee was not recommended.

As a former judge of the western district of Tennessee and now as a member of the Sixth Circuit Judicial Council and, as such, a supervisor of the work of the district courts, I can unhesitatingly state that there is no need for an additional district judge for this district. The incumbent, Hon. Marion S. Boyd, has asked for no help except in a case now and then in which he disqualified himself for good reason. Moreover, he has served in other districts most graciously when designated to do so by the Chief Judge of the circuit.

In my humble judgment, the creation of district judgeships with overlapping jurisdiction is not wise public policy, except when both districts served are in real need of a regular extra judge, which is not the case in the western district of Tennessee. In a single-judge district, the established policy of the judge with respect to extent of punishment of the guilty and the exercise of probation in the broad judicial discretion vested in the judge produces a uniformity which does not exist where another judge has like jurisdiction in the district. Of course, in the large cities, of necessity there is plurality of district judges and, in consequence, a lack of uniformity in the imposition of criminal punishment. This is unfortunate, but unavoidable in big cities under the present system of jurisdiction; but there is no necessity to bring about a lack of uniformity where an additional district judge is not needed.

Furthermore, the matter of allowance of fees in bankruptcy and receiverships has brought disparity among individual judges; and, as a practical matter in the administration of justice, the creation of a roving judgeship where not needed would tend to lead to clashes between the two judges as to which will try certain types of cases; applications for injunctions would be presented to the particular judge whom the applicant's attorney chooses to select; and unpleasantness may come about in the appointment of court officials.

None of the ideas expressed herein is theoretical; all are based on practical observation. I should not have felt free to volunteer my personal views, but am responding freely and frankly to your request.

With warmest personal regards, as always,

Sincerely your friend,

JOHN D. MARTIN.

Mr. MCKELLAR. Judge Martin unhesitatingly is opposed to a roving judgeship. The two other judges in Tennessee—one a district judge, and one a circuit judge—have also written to me saying unhesitatingly that they are against it. The only person who is really and truly in favor of it is Senator ESTES KEFAUVER, of Tennessee.

Mr. President, I wish to put another telegram into the RECORD. It is from Judge Marion Boyd. No better man than Judge Boyd has ever been made. The junior Senator from Tennessee admit-

ted that he even went to school with Judge Marion Boyd, and admitted that Judge Boyd is a man of fine character and a man who will tell the truth. Judge Boyd said they do not need an additional judge; he said there is no necessity for an additional judge; he said that the docket was not a case behind.

Mr. President, do you know what was done? Someone—I do not know who it was; I do not know whether it was the FBI; I have not looked into the matter yet, but I will do so—now has charged, without having a shred of evidence or truth to go on, that the trouble is that Judge Boyd sometime in the future may need an assistant. Are we going to appoint judges for such a reason as that? There may come a time when each of these judges might encounter a little difficulty in connection with some case, and might need assistance; but is that the way we are to make provision for judgeships? I do not believe it. I simply do not believe it. Mr. President, think of it. The evidence given by lawyers in Nashville and in middle Tennessee is all on the other side. If there is a lawyer who has taken a contrary view, I have never seen his testimony. If there is such evidence, it has been carefully concealed, and I have not seen it. The judicial conference is unanimously opposed to a roving judgeship. The people of west Tennessee are opposed to it. What is the reason for urging it? I have been in the Senate a long time, and this question has intrigued me somewhat. I wonder what in the name of heaven has caused my distinguished colleague to want a roving judge for west Tennessee, when the people of west Tennessee themselves do not want a roving judge.

Mr. President, I have stated the facts. I have taken longer than I had intended; I am sorry. I had thought of comparing the proposal with our throwing money away on other things, but I shall not do that. We throw money away on many projects, but we have not thrown any away on roving judges, and I hope that we may never throw our money away for the purpose of having stand-by judges who may be necessary once a year or once every 10 years. I do not know what such a judge would do. Take a man like myself: I am a workingman. I do not know what I would do if I had nothing to do except to try a case when Judge Boyd was absent from his court in west Tennessee.

Mr. President, officially and personally, I ask Senators to vote in favor of this amendment, which would mean that we would have no roving judge in Tennessee.

Mr. KEFAUVER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Butler, Nebr.	Cordon
Bennett	Cain	Dirksen
Benton	Carlson	Douglas
Brewster	Case	Duff
Bricker	Chavez	Dworshak
Bridges	Clements	Eastland
Butler, Md.	Connally	Ecton
Ellender	Kefauver	Neely
Ferguson	Kilgore	Pastore
Flanders	Knowland	Robertson
Frear	Langer	Russell
Fulbright	Lehman	Saltonstall
George	Lodge	Schoeppel
Gillette	Magnuson	Smathers
Green	Malone	Smith, Maine
Hayden	Martin	Smith, N. J.
Hendrickson	Maybank	Smith, N. C.
Hennings	McCarran	Sparkman
Hickenlooper	McClellan	Stennis
Hill	McFarland	Taft
Hoey	McKellar	Thye
Holland	McMahon	Underwood
Hunt	Millikin	Watkins
Ives	Monroney	Welker
Jenner	Moody	Wiley
Johnson, Colo.	Morse	Williams
Johnson, Tex.	Mundt	Young
Johnston, S. C.	Murray	

The PRESIDING OFFICER (Mr. MURRAY in the chair). A quorum is present.

Mr. KEFAUVER obtained the floor.

Mr. WILEY. Mr. President, will the Senator yield to me to make a unanimous-consent request?

Mr. KEFAUVER. I yield to the senior Senator from Wisconsin.

Mr. WILEY. Mr. President, the Judicial Conference recommended that an additional judge be appointed for the eastern district of Wisconsin, which has probably the heaviest load in the United States. I have talked to the chairman of the Judiciary Committee and members of the committee and they are willing that the bill be amended accordingly. I realize that it is a little bit unusual, but I now ask unanimous consent that my amendment be considered at this time without consuming additional time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin?

Mr. McCARRAN. Mr. President, I beg the Senator's pardon and I beg the pardon of the Senate. My attention was diverted to another matter for the moment. Will the Senator kindly restate his request?

Mr. WILEY. My unanimous-consent request deals with the appointment of an additional judge for the eastern district of Wisconsin. My amendment would amend the original bill, in accordance with the recommendation of the Judicial Conference and in accordance with the facts and the equities of the case, as the chairman of the committee knows.

Mr. McCARRAN. Let me say, Mr. President, that the Judicial Conference, at its 1951 meeting, just about 10 days ago, recommended what the Senator from Wisconsin is offering in his amendment. The only question I have in mind now is that we are on the committee amendments. I take it the Senator wants to bring up his amendment out of order.

Mr. WILEY. Yes. I ask unanimous consent to bring it up out of order.

Mr. McCARRAN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin? The Chair hears none. The amendment presented by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 3, it is proposed to strike out the word "and" in line 7, and before the period in line 8 to insert a comma and the following: "and one additional district judge for the eastern district of Wisconsin."

On page 6, it is proposed to strike out line 21 and insert in lieu thereof the following:

Wisconsin:
Eastern 2

* * * * * *

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. WILEY. Mr. President, I ask unanimous consent that a statement showing the facts in connection with the amendment may be printed in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILEY REGARDING AMENDMENT PROVIDING FOR APPOINTMENT OF ADDITIONAL DISTRICT JUDGE FOR EASTERN DISTRICT OF WISCONSIN

The purpose of this amendment is to provide for the appointment of an additional district judge for the eastern district of Wisconsin.

The origin of this amendment is as follows: Between September 24 and September 26 the Judicial Conference of the United States met and came to certain conclusions with regard to the need for various additional judges in various districts of the United States. Certain of these conclusions merely reaffirmed previous Conference decisions which had already been conveyed to the Senate and House Judiciary Committees. On the other hand, one of the new conclusions arrived at by the Judicial Conference was that the heavy workload in the eastern district of Wisconsin necessitated the appointment of an additional Federal district judge there.

Going back a step further, the creation of the judgeship had been recommended previously by the circuit council for the seventh circuit. This council consists of the court of appeals for that circuit, Chief Judge J. Earl Major, of Springfield, Ill.; Judge Otto Kerner, of Chicago, Ill.; Judge F. Ryan Duffy, of Milwaukee, Wis.; Judge Philip J. Finnegan, of Chicago, Ill.; Judge Walter C. Lindley, of Danville, Ill.; and Judge H. Nathan Swaim, of Indianapolis, Ind.

The action of the circuit council had been presented to the Conference by Judge Major and favorable action was taken on the basis of that recommendation.

Immediately on learning of this recommendation last week, I contacted the Administrative Office of the United States Courts in the Supreme Court Building, and in particular the Chief of the Division of Procedural Studies and Statistics, Mr. Will Shafroth, for additional information to confirm or deny the recommendation. Mr. Shafroth sent to me a complete statistical statement proving the serious and unavoidable congestion of civil cases in the eastern district of Wisconsin—whose work is now handled by only one judge, the Honorable Robert E. Tehan. Indeed there is such a tremendous civil case load there that there was very considerable excess of cases filed in 1950 and 1951 over the cases terminated in those years. The civil case load per judge in that district is much higher than the case load per judge on the national average for all the districts of the United States. The clerk of district recorded that as of June 30, 1951, there were 126 civil cases then pending which had been at issue for more than 6 months. Forty-two of these cases were reported as having been ready for trial for at

least 6 months but had not been reached because the court was not able to hear them.

I will not at this time attempt to take the time of the Senate to present the entire statistical statement. Suffice it to say that in my judgment the statistics amply prove the necessity for the additional judgeship. Before making this recommendation I had contacted legal authorities in the State of Wisconsin who, I believe, are best familiar with this situation, and they confirmed the recommendations of the Judicial Conference.

This amendment which I am offering at this time is, I understand, acceptable to my colleagues on the Judiciary Committee. I should therefore like to call it up for action at this point.

Mr. McCARRAN. Mr. President, I desire to say a few words with respect to the amendment offered by the Senator from Wisconsin.

Several days ago, as chairman of the Committee on the Judiciary, I received a letter from the Administrative Office of the United States Courts dated September 28, 1951, in which, as has been stated by the Senator from Wisconsin [Mr. WILEY], the Judicial Conference of the United States at its meeting held on September 24, 25, and 26 recommended that there be created an additional district judgeship for the eastern district of Wisconsin.

Pursuant to that communication I was furnished by the Administrative Office of the United States Courts the statistical tables relating to the business of that district, and, as has been stated by the senior Senator from Wisconsin, the statistics indicate the need for this additional judgeship. As an example, an examination of the statistics shows that in the eastern district of Wisconsin in the year 1948 there were commenced 148 civil cases, and by 1951 that figure had risen to 259. In 1948 there were pending 129 civil cases, and in 1951 that figure had risen to 278. The statistics show, for example, that where there is a national average of cases commenced per judge of 204, in the eastern district of Wisconsin this figure is 259 per judge.

I offer these figures in addition to those submitted by the senior Senator from Wisconsin to bear out his recommendation, and on the basis of my understanding relating to the situation in this district I am glad to join in the request that the amendment submitted by the senior Senator from Wisconsin be considered favorably.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY].

The amendment was agreed to.

Mr. WILEY. I thank the distinguished junior Senator from Tennessee and the Senator from Nevada, chairman of the committee.

The PRESIDING OFFICER. The clerk will state the pending question, which is on agreeing to the amendment offered by the senior Senator from Tennessee [Mr. McKELLAR] to the committee amendment on page 3, line 4.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the committee amendment on page 3, line 4, it is proposed to insert: "One additional district judge (the first vacancy in which office shall not be filled) for the middle district of."

Mr. KEFAUVER. Mr. President, the original bill provided for a permanent district judge for the middle district of Tennessee. The bill as amended and reported by the Judiciary Committee provides for a roving judge to sit in middle Tennessee and west Tennessee. The amendment offered by the senior Senator from Tennessee provides for a judge for middle Tennessee, with the proviso that the first vacancy shall not be filled.

Mr. President, I am here to defend, support, and speak in behalf of the position of the Committee on the Judiciary, which position was taken not only once, but twice. So far as I know, there was no dissenting vote in the Judiciary Committee on either of those two occasions, with respect to the position which I am presenting, which is the position of the Committee on the Judiciary.

The subject was first considered during this session of Congress at a committee hearing on May 17. Thereafter, on July 30, the committee unanimously agreed to my amendment for a roving judge between the two districts, middle Tennessee and west Tennessee. The reporting of the bill was held up while the chairman of the committee was making a laudable effort to adjust the differences with respect to the Tennessee judgeships. On August 17 another hearing was held, at which time the pros and cons were gone into. On August 20 the question was again submitted to the Committee on the Judiciary, which at that time reaffirmed its former position, which is the position I am now defending.

Throughout all these proceedings I have tried not to engage in personalities, but only to consider the question on the merits of the issue. That is all I ask here today. This is not a political question so far as I am concerned. The merits of the situation in the two districts amply justify the position which has been taken by the Committee on the Judiciary on two occasions.

This matter is important to the lawyers of middle Tennessee and west Tennessee, to the judiciary generally, and to litigants. However, it is not a question which should be occupying a great deal of the time of the Senate, particularly at this late hour. These questions, in my opinion—and I think most Members of the Senate will agree—are questions which should be settled by the Committee on the Judiciary, because they involve statistics; they involve case loads, they involve the amount of work, and the condition of the docket—questions which cannot be gone into in detail on the floor of the Senate. If the Committee on the Judiciary, after considering the facts, as they have been considered, had decided the issue in favor of the position taken by the senior Senator from Tennessee, I certainly would not be here on the floor of the Senate trying to upset the position of the Committee on the Judiciary, which has peculiar knowledge of this subject.

Mr. President, no one regrets more than I do that this subject must be discussed, that we did not reach an agreement, and that the committee's position could not be accepted on the floor of the Senate. There is nothing I can do about it; but, feeling in good conscience that the committee is correct, I see nothing to do except to present the facts, which plainly uphold the position of the committee, as I see it.

It was stated by my distinguished colleague the senior Senator from Tennessee that apparently I was the only one who had recommended this position. As a matter of fact, it has been recommended by the Committee on the Judiciary. In order to expedite consideration of the entire problem, in last Thursday's RECORD, beginning at page 12599 I inserted a number of recommendations by bar associations, as well as editorials from leading newspapers, which show, it seems to me, that both in middle Tennessee and west Tennessee this solution is satisfactory.

Later I shall refer to some of these recommendations. They include recommendations from a number of bar associations—not from Haywood County, but from Lake County, Dyer County, and Weakley County. More recently the bar association of Henry County submitted a recommendation. Many of the leading lawyers in west Tennessee have also submitted their views.

It will be seen also that the great daily newspapers of this section, including the Commercial Appeal in west Tennessee, the Memphis Press-Scimitar, of west Tennessee, as well as certain newspapers in middle Tennessee, including the Nashville Tennessean, which has a very wide circulation in that area, approve the recommendation of the committee, and feel that this is the best way to solve the problem.

To get at the issue, I think it would be best to review very briefly the history of how this controversy came about and to state briefly something about the facts in the case.

In March, 1949, the judge in the middle district of Tennessee suffered a heart attack. During the remainder of the year he was unable to try any cases. In January of 1950, at the suggestion of several members of the middle Tenneessee bar, I introduced a bill providing for an additional judge in middle Tennessee, on a permanent basis. The senior Senator from Tennessee [Mr. McKELLAR] also introduced a bill in April or a little later. As he has stated, I believe the bills were identical.

I immediately set about to determine the case load of the work which was done in middle Tennessee, preparatory to presenting the request for an additional judge in middle Tennessee. I found that the case load in middle Tennessee simply does not justify two judges operating exclusively in that district. I shall go into the statistics a little later. However, over a 10-year period the case load in middle Tennessee was just about the average case load for the Nation. It was a little more, but there was not a great deal of difference.

It is true that there are some new defense plants in that area, which involve condemnation cases in middle Tennes-

see. So there is some additional work, above what one judge should be required to do on a permanent basis. However, on the basis of two judges for middle Tennessee on a long-time basis there would not be enough work for them to do, when the case load of middle Tennessee is compared with the average case load for the rest of the Nation.

The first hearing which was held on this subject was on August 22, 1950. It has been referred to by the senior Senator from Tennessee. At that time a number of lawyers from middle Tennessee came to Washington to testify in behalf of the bill. The main thing they were asking for was some kind of relief to enable the court to catch up with the heavy docket in middle Tennessee at that time. District Judge Davies testified that he had worked so hard that he had suffered a heart attack, and had not been able to try any cases. He stated that, looking at the situation from a permanent viewpoint, or over a long period of time, he, or whoever the judge might be, would need some assistance, even if he were an able judge.

The matter of a roving judgeship was first mentioned in the hearing on August 22, 1950. The situation was very well summed up at that time by one of the leading members of the bar of Nashville, Mr. Cecil Sims. I do not know whether he was an officer of a bar association. However, we all recognize him as being a leading lawyer who is familiar with the conditions. At page 175 of the hearings Mr. Sims states:

> What we need is about a judge and a half. As a matter of fact, we have a man who is doing a one-and-one-half-man job in middle Tennessee. And I think you will find that they need some help over in east Tennessee over in Knoxville.

Mr. Albert Williams, who I believe is president or an officer of a bar association, stated at page 177 of the hearings, in colloquy with the Senator from Wisconsin [Mr. WILEY]:

> Senator WILEY. Is it your judgment that the appropriate means of solving this problem would be to have a roving judge for the middle and western districts?
>
> Mr. WILLIAMS. My preference would be for the judge for the middle district; but, of course, a roving judge for the middle and western districts would be a great help over what we have now. Anything is better than nothing, and that would be an advantage to us over the present situation.

The truth of the matter is that Judge Davies himself said that there was some merit to a roving judge. His testimony is to be found at page 176 of the hearings conducted in August 1950. This is what Judge Davies said. The chairman, the Senator from Nevada [Mr. McCARRAN] was presiding. I was present most of the time. I quote from the testimony:

> The CHAIRMAN. What would you think if Congress should look with favor on a roving judge to serve in all of the districts of Tennessee?
>
> Judge DAVIES. I would look with favor on anything that Congress would decide to do about it.
>
> I would only point this out to the committee; and that is that there are now two judges in the eastern district of Tennessee, and the other two judges are in the middle and western districts. There is only one in each district.

Judge Davies further said:

> It might be that if there were to be a roving judge it might be better to have him from the middle and western districts, because they already have two in the eastern district.

So the testimony went on. Judge Davies, lawyers from Nashville, and also Representative GORE, from middle Tennessee, who testified, looked with the same degree of favor on the idea of a roving judge between the two districts.

No action was taken in the Eighty-first Congress. Early in the Eighty-second Congress the Senator from Nevada [Mr. McCARRAN], chairman of the Committee on the Judiciary, wrote a letter to the members of the committee, stating that he planned to have an omnibus bill take care of all the judicial districts, and asked the opinion of the members of the committee. I replied to the Senator from Nevada by letter dated February 15, in which I said:

> The principle recommendation I have to make with regard to our three Tennessee districts is the creation of an additional judgeship to assist in both the middle and western districts.

I went on to say that the record showed that west Tennessee had a little more than the national average case load, and that the appointment of an additional judge would solve our problem.

I ask unanimous consent that my letter to the chairman of the Judiciary Committee be printed in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> UNITED STATES SENATE,
> COMMITTEE ON ARMED SERVICES,
> *February 15, 1951.*
>
> The Honorable PAT MCCARRAN,
> *United States Senator.*
>
> DEAR SENATOR: Thank you for your letter of January 17 with reference to the bill the Judiciary Committee is drafting, under your direction, dealing with the creation of additional Federal judgeships and needed changes in judicial districts.
>
> I think your judgment in including all these provisions in a single bill is very good. In that manner, we may consider the effect upon our Federal judiciary as an entity.
>
> The principal recommendation I have to make with regard to our three Tennessee districts is the creation of an additional judgeship to assist in both the middle and western districts. The eastern district of Tennessee has two judgeships, but there is only one each in the middle and western districts. In 1950, the western district of Tennessee had a little over the national average of civil cases per judge, and the middle district considerably under. The number of criminal cases commenced per judge in the western and middle districts was very much larger than the national average. The western district disposes of its cases much more rapidly than in the other two Tennessee districts.
>
> The judge of the middle district was ill and unable to try any cases from September 1949 to October 1950, resulting in a docket congestion which still exists to some degree. His efforts have been supplemented by those of visiting judges. For this reason, and for the further reason it is considered that the middle district judge is unlikely to recover completely in the foreseeable future, my colleague introduced S. 3467 after I introduced S. 279 in the Eighty-first Congress seeking an additional judgeship for the middle district. The judicial conference approved a provision for a second judgeship on a temporary basis in September 1950.
>
> However, after reviewing the hearings on S. 3467 and the procedural statistical computations of the administrative office of the United States courts, I am firmly of the opinion that any additional United States judgeship in Tennessee should consist of a roving judgeship for both the middle and western districts of Tennessee.
>
> Sincerely,
>
> ESTES KEFAUVER.

Mr. KEFAUVER. Mr. President, a hearing was held on May 7, 1951, at which Judge Davies appeared. He stated that his health was somewhat better and that he had gone back to work and was able to carry a part of the load. His statement will be found at page 191 of the hearings. At this hearing I reviewed the amount of work in the middle district and also the western district, and showed that the western district had a heavier case load and that it needed help over a long period of time more than did the middle district. I further stated that in order to give the judge a full amount of work to do and to be of benefit to lawyers and litigants and citizens in both districts the judge should be a roving judge.

The matter was brought up, as I have stated, in committee, and on August 30, in consideration of the case load and the statistics, the committee agreed with my proposal.

Thereafter there was one other brief hearing, at which time the question was again gone into, and the committee again sustained its position.

The situation is that west Tennessee has a population of 984,720, as compared with middle Tennessee's population of 896,173, which means that there are more than 88,000 more people in west Tennessee than there are in middle Tennessee. It will also be seen by the chart that west Tennessee is advancing more rapidly in population than middle Tennessee.

As a matter of fact, Memphis, as we all know, has become one of the chief centers of trade and commerce, and a distribution center, with many great national companies having their southern or southeastern offices there. The court at Memphis has a great many admiralty cases to try. Memphis is growing more rapidly than any other Tennessee city. Therefore, judged by population growth during the past 10 years, there is every reason to believe, as shown by records, that west Tennessee is growing more rapidly in population. Of course, that means more litigation and more need for courts.

There are defense establishments both in west and middle Tennessee. As a matter of fact, in Memphis, according to the latest Martindale, there are 661 lawyers, whereas in Nashville there are 525 lawyers, which means that there are about 140 more lawyers in Memphis than there are in Nashville. Of course, where the lawyers are, that is naturally where the litigation is; otherwise, the lawyers would not be there.

Mr. President, the records kept by the administrative office of the United States Courts—and they are digested on the chart before us—show that in west Tennessee in an 11-year period the total number of cases commenced is 5,015. In middle Tennessee over the same period the total is 4,467, or about 550 more cases in that period in west Tennessee than in middle Tennessee. The cases are both civil and criminal cases.

The national average is 4,401. Therefore, west Tennessee is far above—a substantial percentage above—the national average. Middle Tennessee is just about at the national average. I believe in fairness it should be stated, however, that the judge in middle Tennessee has had some cases of a class, such as condemnation cases, in which several cases are covered by one case. I believe he said that in one of those instances one case covered in excess of 100 trials. Unquestionably, the number of defense establishments and the growth of middle Tennessee will keep it substantially above the national average, although not nearly so much above as is the case in west Tennessee.

The average number of cases commenced per annum in middle Tennessee is 406; in west Tennessee, it is 456. The national average is 400.

It will be seen that over a 10-year period the number of cases terminated in west Tennessee is 4,782; over the same 10-year period it is 4,103 in middle Tennessee.

It is true that the Judicial Conference recommends that because of the illness of Judge Davies a temporary judge be assigned there, or that a temporary judgeship be created there for the purpose of helping Judge Davies catch up with his docket, and that the first vacancy there be not filled.

The showing is and the undisputed facts are that there is some additional amount of work over the national average in middle Tennessee, and that there is a great deal of additional work over the national average in west Tennessee. Looking to the facts and stating the matter on a permanent basis, the creation of a roving judgeship would fill the needs of these two districts for many years to come.

As a matter of fact, several recommendations for the creation of additional judgeships have been made by the chairman of the committee which were not recommended by the Judicial Conference. Of course, the opinion of the Judicial Conference is good evidence, but it is not by any means controlling on the committee. In the bill provision is made for the creation of five or six additional judgeships which were not recommended by the Judicial Conference.

Furthermore, if the facts showing the increasing case load in west Tennessee, and showing that the lawyers in northwest Tennessee want to have a term of court held there, had been presented to the Judicial Conference, I have no doubt that its action also would have been different.

Mr. President, we know that already these districts are above the national average in terms of the amount of work they have, and we know that their work is growing rapidly, particularly in the case of west Tennessee. Furthermore, we know that every session of Congress results in placing an additional workload upon the district judges, particularly as a result of the enactment of the law creating the Office of Price Stabilization and the laws relating to the Defense Establishment and the various control establishments, all of which cause a considerable amount of additional work to be placed upon the judges.

Mr. President, in Tennessee the eastern district has two judges. The middle district now has one judge, and the western district has one judge. The lawyers and the litigants in northwest Tennessee have earnestly petitioned to have a term of court held there, and they are anxious to have that done. In northwest Tennessee there are some very populous counties—Obion, Lake, Dyer, Weakley, Gibson, and other counties, which are probably more than 100 miles from Memphis, where court is held, and they are a substantial distance from Jackson, Tenn.

The record here will show that the bar associations of practically all the west Tennessee counties are anxious to have terms of court held there.

Mr. McKELLAR. Mr. President, will the Senator yield? Will the Senator name the counties?

Mr. KEFAUVER. Yes.

Mr. McKELLAR. I should like to have the Senator name them.

Mr. KEFAUVER. Yes, I will name them, I may say to the Senator.

First let me say, before I name these counties, that the distinguished Senator has inferred that I have written a number of letters by means of which I have tried to stir up backing for this proposal. I would like to state emphatically that I have not. I wish to say that I think I have written only one letter, which was an explanation sent to a friend, Lucius Burch, about what the problem is. It is true that after the directors, as distinguished from the members, of the Memphis Bar Association or the Shelby Bar Association acted on the matter, I did write them a letter in which I pointed out the facts which I did not think they had considered.

Mr. McKELLAR. The Senator will also admit, will he not, that they turned down, for a second time, his proposal?

Mr. KEFAUVER. Yes.

Mr. President, I think I may cover some of those matters——

Mr. McKELLAR. The Senator need not cover them unless he wants to.

Mr. KEFAUVER. If the Senator will permit me to finish my remarks, I shall be happy to discuss, then, any of those matters, if he wishes me to do so. I think that will be better than to have a running colloquy.

Mr. McKELLAR. The Senator need not answer unless he wishes to do so.

Mr. KEFAUVER. Mr. President, the air may be somewhat charged. If I can finish my statement, I shall be very happy to yield to the Senator.

The PRESIDING OFFICER. The junior Senator from Tennessee has the floor.

Mr. KEFAUVER. Mr. President, the Senate will find beginning at page 12599 the names of the bar associations and others who have endorsed the proposal for the creation of a roving judgeship.

Mr. McKELLAR. Page 12599 of what?

Mr. KEFAUVER. Of the CONGRESSIONAL RECORD under date of October 4.

Mr. McKELLAR. However, we closed this case several weeks ago, and the committee acted upon it. The testimony to which the Senator refers was not before the committee.

Mr. KEFAUVER. Mr. President, I do not yield.

Mr. McKELLAR. The Senator should make an accurate statement of facts, if he is not going to yield.

Mr. KEFAUVER. Mr. President, I refuse to yield at this time.

The PRESIDING OFFICER. The junior Senator from Tennessee declines to yield.

Mr. KEFAUVER. Mr. President, a few days before that time, the senior Senator from Tennessee had certain communications placed in the RECORD. I felt that in order to provide for the expeditious consideration of the proposal which now is before us, and in order not to take up unduly the time of the Senate, it would be helpful if I were to place in the RECORD the resolutions and editorials, and then I could simply refer to them without having to read them.

Certain resolutions will be found on page 12599 of the CONGRESSIONAL RECORD and on the following pages. That is the CONGRESSIONAL RECORD under date of October 4.

The first resolution is by the Dyer County Bar Association. Dyersburg is the county seat. The bar association says that a special meeting was called, not merely a meeting of the directors of the association, as was done in Memphis and in Jackson, but a special meeting of all the lawyers of the Dyer County Bar Association. The resolve is, in part, that—

> Whereas the Dyer County Bar Association recognizes the necessity of an additional Federal judgeship for the State of Tennessee to relieve the congested dockets of the various courts: Now, therefore, be it
>
> *Resolved by the Dyer County Bar Association, met in a special called meeting on this the 24th day of August 1951,* That said bar association extends its thanks to the Honorable ESTES KEFAUVER and commends his actions in this matter; be it further
>
> *Resolved,* That the secretary of the Dyer County Bar Association be instructed to forward this resolution to the Honorable ESTES KEFAUVER.
>
> Adopted: GEORGE W. PIGUE, *President.*
> GRANGER LATTA, *Secretary.*

The Lake County Bar Association adopted a resolution not only asking that a roving judgeship be created, but also setting forth the necessity for the appointment of an additional judge in that section. The resolution reads in part as follows:

> Whereas the United States District Court for the Western District of Tennessee now convenes in Memphis and Jackson; and
>
> Whereas the distance from these two cities to points in those counties situated in the northwestern section of Tennessee including the counties of Dyer, Lake, Obion,

Weakley, Lauderdale, and others, results in great, and at times, prohibitive expense and inconvenience to litigants, witnesses, and jurors alike attending this court; and

Whereas the city of Dyersburg in Dyer County, Tenn., is centrally located in said northwestern section of the State and is conveniently accessible to all points in said session—

And they proceed to ask that another term of court be held at Dyersburg.

The next resolution asking for the creation of a roving judgeship will be found on page 12599 of the CONGRESSIONAL RECORD.

Let me say that at this time I have before me the originals of the resolutions.

This resolution is from the Weakley County Bar Association. Dresden, Tenn., is the county seat. That bar association also called a special meeting of the bar. Here is the letter, signed by the persons designated to write it. The letter reads, in part, as follows:

WEAKLEY COUNTY,
Dresden, Tenn., August 27, 1951.

Senator ESTES KEFAUVER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: At a recent meeting of the Weakley County Bar Association held in Dresden, Tenn., a resolution was unanimously passed appointing the undersigned as a committee to communicate with you and memorialize you to support the bill to create a roving Federal judgeship as reported out of the Senate Judiciary Committee for middle and west Tennessee.

They go on to point out the fact that Weakley County is a long distance from Memphis and Jackson, and that it would be of great convenience to the lawyers and litigants and jurors if a term of court were held in Weakley County, particularly at Dresden.

Then, Mr. President, it will be seen that the Lake County Bar Association also had a special meeting, and asked that this action be taken.

Then, Mr. President, I have a telegram from Paris, Tenn. That is in Henry County, also in west Tennessee. I read:

This association endorses the concurrency of jurisdiction in the middle and western districts if an additional United States district judge is authorized for Tennessee. We also urge an additional division in the western district to sit at Dresden.

PARIS BAR ASSOCIATION,
By R. L. DUNLAP, Jr.,
President.

Mr. President, also in the RECORD on the pages to which I have referred will be found the names of a large number of lawyers, and I have their letters and telegrams here. It would seem that practically all the lawyers from Union City, in Obion County, which is the northernmost county in the State of Tennessee, were included: Paul G. Hudgins, Tom Elam, Robert Fry, Sam C. Nailling, E. H. (Tito) Lannon, David G. Caldwell, Hardy M. Gramham, Charles B. Fields, W. E. Hudgins, W. M. Miles, C. W. Miles 3d, George Cloys, Fenner Heathcock.

Next is a petition or a telegram from the lawyers of the Gibson County Bar Association, which I believe is geographically the largest county in the State, containing five or six small cities, in which a large number of lawyers ask that there be a roving judgeship, and also that court be held in that section.

A number of letters are in the RECORD, and I have other letters here, some of which I have been asked to treat as personal, and others, which I could put into the RECORD, from lawyers throughout west Tennessee, but quite a number from lawyers in Memphis, complaining of the fact that no meeting of the bar association there was called, and that they did not have an opportunity to vote; that the matter was simply decided by the directors. But the seven or eight other counties have called meetings of their bar associations, and they speak for the lawyers. It is not easy for the lawyers, particularly in places like Memphis or Jackson, where court is already being held, to take a position which is opposed to that of the sitting judge. Lawyers hesitate to do that. But one lawyer, Mr. R. Garland Draper, says he thinks 90 percent of the lawyers of west Tennessee are in favor of this proposal.

We all know what the creation of another term of court in northwest Tennessee would mean, and it is my intention, because I think the people of the vicinity are entitled to it, if this matter is settled so that there will be a roving judge who can give some of his attention to west Tennessee, to introduce a bill, and to ask the Judiciary Committee to approve the establishment of a term of court there, because there are several large-sized cities—that area is growing—and it is unfair and inconvenient for litigants to have to go many miles, to Memphis or to Jackson, in order to have their cases determined.

Mr. President, I have always felt that the two great newspapers of west Tennessee had very good judgment about things that were in the best interests of the people of that section. First is the Memphis Press-Scimitar, which gave consideration to the problem, and which in a very strong editorial, dated September 6, 1951, pointed out that in view of the rapid growth of west Tennessee, the roving judge proposed would be able to help out in west Tennessee in handling the increased number of cases, which is above the national average, and which, of course, will continue to increase. The Press-Scimitar points out that while Judge Boyd, for whom I have very high respect, by very hard work has been able to keep up with his docket, the same thing might happen to him that happened to Judge Davies: he might become ill, and in that event there would be no one to look after the docket.

Furthermore, Mr. President, a newspaper which is very highly regarded and which stands for the welfare of the community and for a fair position is the Memphis Commercial Appeal, which has a long and distinguished history and which I believe has the largest circulation in that part of the South. The Memphis Commercial Appeal, in an editorial entitled "A Roving Judge, If Any," comes out very strongly for this position. Among other things, it says:

It seems to us that Judge Boyd has done and is doing a good job, but that very fact dictates against overtaxing him and his court. Memphis is growing more rapidly than any other section of Tennessee. The greater the population the greater the load for the Federal court. Another highly pertinent item is that Memphis' growth involves constant additions to the sizable and substantial commercial and industrial facilities of the city and section.

It then says further:

If there were a roving Federal judge available for middle and west Tennessee, Federal court could be held at locations other than Memphis and Jackson and this would mean a material convenience for lawyers, jurors, witnesses, and persons concerned in legal actions. Presumably the people in a number of middle Tennessee communities would be similarly favored by a judge with what we believe the lawyers call concurrent jurisdiction.

All the circumstances seem to put logic on the side of creating a roving judgeship if there is to be any new one at all.

Mr. President, the Nashville Tennessean, of which of course is in middle Tennessee, which has the largest circulation of any newspaper in that area, and which is a great newspaper with a fine record, a newspaper which certainly would defend the position of middle Tennessee in any controversy of this sort, published an editorial, which is in the RECORD, in which it says:

The important questions are whether there would be sufficient business for two full-time Federal judges in the middle district, and whether the new judge could not better serve by helping to care for the case load in two districts. Senator KEFAUVER insists that two judges would be superfluous in the middle district, but that a roving judge for the middle and west districts would serve an imporant purpose.

It then goes on to say that—

In the light of facts, the institution of a roving judge for service in two districts is both practical and advisable. The layman has been impressed by Senator KEFAUVER'S declaration that he would be entirely willing for a middle Tennessean to be appointed to the post, in agreement with his protesting colleague.

So, Mr. President, looking at this proposition over a long period, the appointment of a temporary judge with the first vacancy not to be filled, does not solve anything.

In the first place, life being as uncertain as it is, if a temporary judge, with the first vacancy not to be filled, was appointed, then, possible next week, or within 2 weeks or a year, or at some time in the near future, we would have with us again the problem as to what should be done about the increasing case load in Tennessee. If that situation should not arise for 12 or 15 years, before the first vacancy, the two judges, working together, would be able to catch up with their dockets in middle Tennessee within 1 or 2 years, and after that there would be work enough for only about one and one half or one and a third judges, and they would not be earning their money. There would not be a full day's work for two judges after they got their docket caught up, and in the meantime, during all of this time, the lawyers and litigants in west Tennessee who have a case load greatly above the national average, and who are asking for a term of court in another section of the district, which would further increase

the case load, would be without the services of this roving judge, to which they would be entitled.

The plan presented in the bill, in the opinion of the bar associations and the leading newspapers of the State—I do not know of any daily newspaper which has taken a contrary position or has proposed a judge for only middle Tennessee—would solve the problem for the foreseeable future, and possibly for generations, because the situation is that there is more work in middle Tennessee than one judge can do, and there is considerably more than one judge ought to do in west Tennessee, particularly if he holds another term of court in northwest Tennessee. So it would be ideal to have a judge to help out in both districts and keep the dockets current.

It should be pointed out, Mr. President, that in these days, when antitrust cases and other technical cases are being tried, at times a judge becomes involved in a case the trial of which lasts for 3 or 4 months. Such a case is at this time in progress at Vicksburg, Miss., where a number of Memphis lawyers are engaged in a trial taking several months. If that should happen in western Tennessee, or if any judge, because of overwork, should not be able to carry on as vigorously as he has been doing, here would be the same situation in west Tennessee which now prevails in the middle district.

The validity and the worth of roving judges are well recognized by the judiciary and by the Congress. In the very bill now before the Senate there is provision for a roving judge in eastern and western Missouri. There was a provision for one in North Carolina, but that has been eliminated from the bill for further investigation. There is one for the northern and southern districts of West Virginia.

Mr. President, it costs approximately $40,000 a year, I believe, to pay the salary of a new Federal judge and to provide the necessary stenographic assistance, the bailiff, and the library expenses. It may cost a little more than that. So that there is some economy in what is now proposed. If there are two judges for middle Tennessee, there is going to be a continuing and insistent demand, as there is now, for relief in west Tennessee, because if middle Tennessee is entitled to an additional judge, west Tennessee is more than entitled to one, because the case load there is heavier. So the first thing we know, we will have to have another judge in west Tennessee. The matter does not involve a great deal of money, and the economical course would be to have one judge to take up the excess work and serve in both districts.

Mr. President, I have taken the position I occupy because I think it is right. We all know, and there can be no question about it, that the judge in middle Tennessee, the lawyers, and the litigants, are entitled to some relief. Many defendants have been in jail for a long time awaiting trial. The court business is increasing. I believe my position to be sound. The recommendations which have come here have not come through my solicitation. I have asked one lawyer in Memphis, whom I consider to be very outstanding, and who is a good friend of mine, for his ideas about the question, and to see what other members of the bar with whom he was associated thought about it. Naturally, in conversations with lawyers from west Tennessee I have asked how they felt about it. I am convinced that lawyers in the northwestern part of the State, almost to a man, as shown by the resolutions of their bar association, feel that there should be a roving judge, and that he should hold a term of court in northwestern Tennessee.

Mr. President, something has been said here and there about politics. Politics has no place in the judiciary or in the determination of a question like that now before the Senate. It certainly had no influence in my deciding what I thought should be done in this case. Whatever my recommendation may be worth, I have not committed myself to anyone; and when, at the last hearing, on August 17, it was insinuated that the junior Senator from Tennessee might have been actuated by some political motive and that he might have someone in west Tennessee whom he desired to recommend for a judgeship, I agreed with the chairman of the committee—and the Senator from New Jersey [Mr. HENDRICKSON] was there——

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KEFAUVER. I do not yield at this point, Mr. President.

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator declines to yield.

Mr. KEFAUVER. At page 18 of the record the senior Senator from Tennessee said:

> Is there someone you want to appoint or recommend for appointment in west Tennessee? Is that your idea?

I replied:

> Senator McKELLAR, I know you have said that. There is nobody that I have committed myself to recommend. If you feel that is the matter, I will agree here and now, if that will solve the problem, that anybody I recommend will be from middle Tennessee, if that is what you feel is bothering me.

That is from the record. There are just as good lawyers in middle Tennessee as there are in west Tennessee. There should be no difficulty in finding an able judge from either section. So I have made that offer. There it is, in the record.

Mr. President, I have heard the plea many times that committees should be sustained on the floor. The senior Senator from Tennessee asked yesterday that the Appropriations Committee be upheld in some of its positions, and I think that on practically every proposition the Appropriations Committee was upheld. But particularly, Mr. President, in matters affecting the judiciary, where there is a question of figures and case load, and the members of the committee keep in touch with the problems in the various districts, many detailed figures and calculations have to be considered which can be gone into only in committee.

Mr. President, this matter has been submitted to the Judiciary Committee on two occasions. What is proposed is what the people want, what the lawyers of both districts would be satisfied with. Even Judge Davies, in the middle district, would be satisfied with this arrangement. It is what the lawyers and litigants in northwest Tennessee are asking for. It is the consensus of the leading representatives of the press who reflect the public opinion of that section. So I hope, Mr. President, that the position of the committee will be sustained.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENDRICKSON. Did the State bar association take any action on this question?

Mr. KEFAUVER. The State bar association has not taken any action.

Mr. HENDRICKSON. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. SPARKMAN. I am sorry that I could not be present during all the discussion, but I am interested in the question which was just propounded by the Senator from New Jersey. Do I correctly understand that the Judicial Conference made any recommendation, or does it make recommendations in such cases?

Mr. KEFAUVER. Yes; the Judicial Conference does make recommendations. The Judicial Conference made a recommendation that there be two judges for middle Tennessee, the first vacancy not to be filled. It pointed out that they have been concerned with the judge in the middle district being sick, and the increase in the case load. The proposition of the heavier case load for west Tennessee, and also the fact that in northwest Tennessee the lawyers want to have a term of court there, which would further increase the heavier case load for west Tennessee, so far as I know was not presented to the Judicial Conference, and I do not know what action they would have taken if it had been.

Mr. McKELLAR. Mr. President, I just have a word or two to say in reply. It does not seem to me that it is really necessary, but I have one or two things I wish to say. The junior Senator from Tennessee said that Judge Davies and Judge Boyd approved the idea of a roving judge. I read a telegram from Judge Boyd:

> Answering your inquiry during 11 years I have presided over district court for western Tennessee every case has been handled promptly. Will Shafroth's—

He is secretary of the Judicial Conference—

> Will Shafroth's records at administrative office will show this. Our calendar is absolutely current at this time. No one to my knowledge has suggested the need of additional judges for this district.

Now that ought to be sufficient proof. I will say, for whatever value it has, that the junior Senator from Tennessee was asked at the hearings if he knew Judge Boyd. He said he did. When asked if he was a truthful man he said he was. As I say, I do not know the value of that, but that was the evidence.

The truth is that the only possible semblance of any suggestion of a case the junior Senator from Tennessee has is that grows out of the fact that, since this matter came up and he found himself without a leg to stand on, he has been hunting all over the State for testimony, and he has gotten two or three letters—maybe three or four. I had a great deal of difficulty in getting him to put the letters in the record. The only letter he put in the record, as I recall—and the record is here and speaks for itself—the only letter he put in the record was about an entirely different thing, and did not apply to the roving judge at all. It was about establishing a judgeship for west Tennessee and a term of court in the northwestern part of the State. That is an entirely different matter. And in that very letter the writer spoke of Judge Boyd holding the court there. He never spoke of a roving judge. He never had a word to say about a roving judge. The Senator did not deal directly with the other letters he spoke of. He said there was something private in them so he could not put them in. But whatever the reason, he has not put them in. They are not in the record. The only one that I know has the statement in it that Judge Boyd was a nice man.

Judge Boyd sent me the telegram I have read. I want to read it again. It will take but a moment. It is just two or three lines.

Answering your inquiry—

I made the inquiry and found what shape this was taking; that it was taking a political shape, absolutely political. The Senator said he made an offer to trade with me. No; I did not trade with him about this judgeship. I did not trade with him because I did not believe that he would carry out the trade if it was made. That is the reason why I did not do it.

I continue with Judge Boyd's telegram:

Answering your inquiry, during 11 years I have presided over district court for western Tennessee every case has has been handled promptly. Will Shafroth's records at administrative office will show this. Our calendar is absolutely current at this time. No one—

No one. I am not guessing when I make a statement—

No one, to my knowledge, has suggested the need of an additional judge for this district.

How could anything be stronger than that? The judges are against the position of the junior Senator from Tennessee. The lawyers are against his position. Since the matter came up and he found himself in the predicament he was in he has been very diligent in trying to get people to write him letters saying that a roving judge is necessary, but he does not publish the letters. If Senators vote for his proposal on the ground that he has letters, let them remember they are not in the record. If they had been put in the record, all right. I asked him a little while ago to put them in the record. He would not do it. Indeed, he refused to yield when I pressed him about the letters.

Now, Mr. President, as I say, this is not the way to appoint judges. Judges ought to be appointed in a proper way. I think the junior Senator from Tennessee makes a great mistake in undertaking, after the evidence is all in and he knows it, to gather as much as he can from Tom, Dick, and Harry.

He mentioned the names of two or three lawyers in west Tennessee. I do not happen to know them. Unfortunately for me I do not know them. I have no doubt they are all right in every way, but I just do not know them.

As I said in the very beginning, and as I told the Senator in the Senate committee, no one has asked me about a roving judge for west Tennessee except the junior Senator from Tennessee. He is the only advocate for a roving judge, except those he has since drummed up, perhaps a half a dozen. They are the only ones who are in favor of roving judges. When a man has political friends in a State, Senators can understand why he would write to them to support his position. I believe the junior Senator was nominated by a minority vote, but he has somebody for him in western Tennessee. The result is that he has written letters, and, notwithstanding his denials, he has used every effort to get letters to bolster up his position. He has taken a wrong position. He ought never to have taken that position. No Senator, no real Senator, ought to do it. He made a great mistake in doing it. I hope the Senate will not sustain that method of appointing judges.

If there is one thing I am proud of, it is our judicial system. I saw a jury not long ago that was going to try a Communist in the State of New York. When I looked at the list my heart sank. I did not know whether it would be possible for justice to be done by such a jury. Yet that jury in the State of New York—in the city of New York, if you please—after deliberation came in with an honest, upright verdict. I am proud of it. I am proud of a State which has citizens of that kind. I think we ought to have in our country a judicial system which is second to none. We must have that kind of a system.

The question might be asked of me, "Why are you interested in this question?" I am interested in it just as I am interested in anything which affects my State. I simply want to do the right thing. The other day I wrote to the President, after he had withdrawn a nomination, that I had no one to suggest in place of the original nominee. Why? Because I think the President did a brave and proper thing, and I wanted to uphold him when he did a brave and proper thing.

Mr. President, the record about which the junior Senator from Tennessee has talked for half or three-quarters of an hour is based entirely upon statements which have been made since the case was heard before the Committee on the Judiciary. None of the letters referred to was before the Judiciary Committee. The record which has been made was made upon a case which has been made up by friends of the junior Senator from Tennessee. I am sorry that he has done it. I urged him not to do it, but he has seen fit to do it.

Mr. President, I ask that the Senate agree to the pending amendment to the committee amendment. That is all I have to say. I leave the question to the judgment of the Senate.

Mr. KEFAUVER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NEELY in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hendrickson	Millikin
Bennett	Hennings	Monroney
Benton	Hickenlooper	Moody
Brewster	Hill	Morse
Bricker	Hoey	Mundt
Bridges	Holland	Murray
Butler, Md.	Hunt	Neely
Butler, Nebr.	Ives	Pastore
Cain	Jenner	Robertson
Carlson	Johnson, Colo.	Russell
Case	Johnson, Tex.	Saltonstall
Chavez	Johnston, S. C.	Schoeppel
Clements	Kefauver	Smathers
Connally	Kilgore	Smith, Maine
Cordon	Knowland	Smith, N. J.
Douglas	Langer	Smith, N. C.
Duff	Lehman	Sparkman
Dworshak	Lodge	Stennis
Eastland	Magnuson	Taft
Ecton	Malone	Thye
Ferguson	Martin	Underwood
Frear	Maybank	Watkins
Fulbright	McCarran	Welker
George	McClellan	Williams
Gillette	McFarland	Young
Green	McKellar	
Hayden	McMahon	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the senior Senator from Tennessee [Mr. MCKELLAR] to the amendment of the committee.

Mr. MCCARRAN. Mr. President, in my term of office in the Senate, nothing has been more unhappy to me than the position I have had to occupy with reference to this question. As chairman of the Judiciary Committee, I attempted as best I could to reconcile the differences between the two Tennessee Senators. I had certain views on the matter which I tried to express to them.

Mr. President, I held up the bill, without reporting it to the Senate, for a considerable time, in hope that we might accomplish a result which would avoid the controversy which has developed on the floor of the Senate.

So far as I am concerned, the entire matter now turns—and the recommendation to which I now refer is the only one on the basis of which I can cast my vote—on the direction and recommendation of the Judicial Conference. Of course that is not satisfactory to some; but on two different occasions—in 1950, and again in 1951—the Judicial Conference recommended a temporary judge for the middle district of Tennessee. They made no recommendation—not even in the present year, 1951, after the bill was pending on the Senate Calendar—for the western district of Tennessee.

I shall cast my vote in keeping with the recommendation of the Judicial Conference, much as I dislike to cast a vote either one way or the other in this controversial matter.

I think the junior Senator from Tennessee [Mr. KEFAUVER] has some merit to his argument. I think the senior Senator from Tennessee [Mr. MCKELLAR] has some merit to his argument. The balance which turns the scale, so far as my conclusion is concerned, is the fact that the Judicial Conference—after the bill had been reported by the Senate committee and was on the calendar—within the last 2 weeks reaffirmed their stand for a temporary judge for the middle district of Tennessee.

Mr. President, that is all I have to say.

Mr. CAIN. Mr. President, it is not discreet, sir, nor is it pleasant to participate in a troublesome matter which is chiefly of concern to two friends, who are Members of the Senate, in which they represent the same State. However, having been born a Tennessean, I wish to say a brief word in support of my intention to vote for the amendment which has been offered by the senior Senator from Tennessee [Mr. MCKELLAR].

Mr. President, it so happens that a member of my own family, whom I have not seen for many, many years, lives in Jackson, Tenn. Until I received from her a letter, under date of September 25, I did not know of the existence of such a person. If I have been correctly informed, she is presently the chief clerk of the United States District Court of the Western District of Tennessee, about which many things have been said this afternoon. I am constrained to believe, Mr. President, that her views on the pending question ought to be considered, and certainly they have been appealing to me.

I shall read only a portion of her very welcome letter, because the other references in it are completely personal in character.

This lady writes to me, in part:

> I have been in this office for over 20 years, and in charge of it for more than 15 years, having worked under three judges, one Republican and two Democrats, and I feel that I have a pretty good idea of the needs of this western district of Tennessee. We do not need a roving judge in this district, as you can see from the latest report of the Judicial Conference of the United States that this district is as current with its docket as is any in the country. * * * There are 16 counties in the Jackson Division, and I believe I am in a position to know. When this bill is brought up before the Senate, you do not know how much I would appreciate it if you will oppose the passing of it.
>
> Your family and mine have been too closely connected by blood and association for me to hesitate to ask this of you.

Mr. President, I hope to have a chance to meet this lady some day. It would be good to know her as a friend and relative, and to express my admiration for her willingness to speak her piece on the pending question over her signature.

She concludes her letter as follows:

> Assuring you of my appreciation, and I am sure the taxpayers would join me in it if they just knew about it, I am,
>
> Sincerely,
>
> BESSIE JONES TRICE.

Mr. President, when I add the substance of this letter to the logical case the senior Senator from Tennessee [Mr. MCKELLAR] has presented this afternoon, and join the remarks made earlier in the day by the junior Senator from North Carolina [Mr. SMITH], in years gone by a president of the American Bar Association, who expressed his own and the official disapproval of roving judges in general, I think there is reasonable doubt at this time to assume a necessity for appointing a roving judge for Tennessee; and I shall oppose such intended action.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the senior Senator from Tennessee [Mr. MCKELLAR] to the committee amendment.

Mr. KEFAUVER. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senator from Virginia [Mr. BYRD] is absent because of illness in his family.

The Senator from Louisiana [Mr. ELLENDER] is absent because of a death in his family.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Louisiana [Mr. LONG], the Senator from Maryland [Mr. O'CONOR], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I announce further that if present and voting, the Senator from Louisiana [Mr. ELLENDER], and the Senator from Oklahoma [Mr. KERR] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. NIXON], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Missouri [Mr. KEM] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business. If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "yea."

The Senator from Wisconsin [Mr. MCCARTHY] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Vermont [Mr. FLANDERS] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

The result was announced—yeas 60, nays 19, as follows:

YEAS—60

Aiken	Green	McFarland
Bennett	Hayden	McKellar
Brewster	Hendrickson	Millikin
Bricker	Hill	Mundt
Bridges	Hoey	Neely
Butler, Md.	Holland	Robertson
Butler, Nebr.	Ives	Russell
Cain	Jenner	Saltonstall
Carlson	Johnson, Colo.	Schoeppel
Case	Johnson, Tex.	Smith, Maine
Chavez	Johnston, S. C.	Smith, N. J.
Clements	Kilgore	Smith, N. C.
Connally	Knowland	Stennis
Cordon	Langer	Taft
Dworshak	Lodge	Thye
Eastland	Malone	Underwood
Ecton	Martin	Watkins
Ferguson	Maybank	Welker
Frear	McCarran	Williams
George	McClellan	Young

NAYS—19

Benton	Hunt	Morse
Douglas	Kefauver	Murray
Duff	Lehman	Pastore
Fulbright	Magnuson	Smathers
Gillette	McMahon	Sparkman
Hennings	Monroney	
Hickenlooper	Moody	

NOT VOTING—17

Anderson	Humphrey	O'Conor
Byrd	Kem	O'Mahoney
Capehart	Kerr	Tobey
Dirksen	Long	Wherry
Ellender	McCarthy	Wiley
Flanders	Nixon	

So Mr. MCKELLAR's amendment to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question now recurs on the adoption of the committee amendment as amended.

Mr. MCCARRAN. I have no objection.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was on page 3, in line 7, after the word "and", to strike out "two" and insert "one."

The amendment was agreed to.

The next amendment was, in the same line, after the word "district", where it occurs the second time, to strike out "judges" and insert "judge."

The amendment was agreed to.

The next amendment was in line 13, after "(56 Stat. 1083)", to insert "the existing judgeship for the southern district of Texas created by section 2 (d) of the act entitled 'An act to provide for the appointment of additional circuit and district judges and for other purposes,' approved August 3, 1949 (63 Stat. 495)."

The amendment was agreed to.

The next amendment was on page 4, after line 10, to strike out:

Connecticut ---------- 3

* * * * *

The amendment was agreed to.

The next amendment was in line 17, after the word "Southern", to strike out "5" and insert "4."

The amendment was agreed to.

The next amendment was on page 5, after line 8, to strike out:

New York:

* * * * *

Southern ---------- 19

The amendment was agreed to.

The next amendment was, after line 19, to insert:

Pennsylvania:

Eastern ---------- 8

* * * * *

The amendment was agreed to.

The next amendment was on page 6, after line 2, to strike out:

Middle ---------- 2

* * * * *

And after line 4 to insert:

Middle and western ---------- 1

Mr. MCCARRAN. Mr. President, that amendment should be corrected in ac-

cordance with the amendments previously adopted. I ask that it be so corrected.

Mr. McKELLAR. I did not understand.

Mr. McCARRAN. It should be changed in accordance with the amendment adopted.

The PRESIDING OFFICER. It will be changed to correspond with the previous action of the Senate, and in order to harmonize this language with what has already been done, this amendment should be rejected. Is that satisfactory to the Senator from Nevada?

Mr. McCARRAN. That is correct.

The amendment was rejected.

The next amendment was, on page 6, after line 8, to insert:

Southern ---------- 4

* * * * *

The amendment was agreed to.

The next amendment was, in line 16, after "Western", to strike out "4" and insert "3."

The amendment was agreed to.

The next amendment was, after line 21, to insert:

(b) (1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Arizona. The first vacancy occurring in the office of district judge in said district shall not be filled.

The amendment was agreed to.

The next amendment was, on page 7, line 3, to renumber the subsection from "(b) (1)" to "(2)"; in line 8, to change the subsection number from "(2)" to "(3)"; after line 13, to insert:

(4) Subsection (c) (6) of section 90 of title 28, United States Code, is amended by striking out the word "Washington", so that the subsection will read as follows:

"(6) The Swainsboro Division comprises the counties of Bullock, Candler, Emanuel, Jefferson, Jenkins, and Toombs.

"Court for the Swainsboro Division shall be held at Swainsboro."

The amendment was agreed to.

The next amendment was, on page 7, line 22, to change the subsection number from "(3)" to "(5)"; on page 8, line 3, to change the subsection number from "(4)" to "(6)"; in line 8, to change the subsection number from "(5)" to "(7)"; after line 14, to insert:

(8) The present incumbent of the judgeship for the southern district of Texas created by section 2 (d) of the act entitled "An act to provide for the appointment of additional circuit and district judges, and for other purposes," approved August 3, 1949 (63 Stat. 495), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this act.

The amendment was agreed to.

The next amendment was, in line 22, to change the subsection number from "(6)" to "(9)".

The amendment was agreed to.

The next amendment was, on page 9, line 3, after the word "while", to strike out "such" and insert "the present."

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to strike out:

(7) The existing judgeship for the eastern and western districts of Washington is abolished. In order that the table contained in section 133 of title 28 of the United States Code will reflect the change made by this paragraph, the portion thereof relating to Washington is amended by striking out "Eastern and western ---------- 1."

The amendment was agreed to.

The next amendment was, on page 10, after line 16, to strike out:

SEC. 5. The first sentence of the fourth paragraph of section 371 of title 28, United States Code, is amended to read as follows: "Whenever any circuit or district judge eligible to resign under this section or to retire under this section or section 372 does neither, and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate."

And in lieu thereof to insert:

SEC. 5. Section 371 of title 28 of the United States Code is amended to read as follows:

"§ 371. Resignation or retirement for age; substitute judge on failure to retire.

"(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of 70 years and after serving at least 10 years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.

"(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of 70 years and after serving at least 10 years, continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office.

"The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

"(c) Whenever any circuit or district judge eligible to resign under this section or to retire under this section or section 372 does neither, and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. If such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled.

"Any circuit or district judge whose disability causes the appointment of an additional judge, shall, for purposes of precedence, service as chief judge, or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit or district."

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

SEC. 6. (a) The first sentence of section 26 of the Organic Act of the Virgin Islands of the United States, as amended (48 U. S. C. 1405y), is amended to read as follows:

"The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands who shall hold office for the term of 8 years and until his successor is chosen and qualified unless sooner removed by the President for cause, and a district attorney who shall hold office for the term of 4 years and until his successor is chosen and qualified unless sooner removed by the President for cause."

(b) This section shall take effect upon its approval but shall not affect the term of any incumbent whose term has not yet expired.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments. The bill is open to further amendment. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1959. An act to amend the National Labor Relations Act, as amended, and for other purposes; and

S. 2231. An act to effect entry of a minor child adopted or to be adopted by a United States citizen.

ORDER OF BUSINESS

Mr. McFARLAND obtained the floor.

Mr. McCARRAN. Mr. President, would the majority leader permit me to ask unanimous consent to take up a bill which is on the calendar, which is directly related to the bill we have just passed, providing for the widows of judges? If we create judges, we should certainly so provide that their dependents are taken care of.

Mr. McFARLAND. I have given notice of the consideration of other matters. I know there is some objection to that bill, and I would not want to take it up at this time until notice is given.

Mr. McCARRAN. Mr. President, these bills are related. The bill to which I refer is to take care of the widows of judges. Certainly that has to do with the functioning of the judiciary.

Mr. McFARLAND. Mr. President, I have not given notice of that bill. I know there is objection to it.

Mr. McCARRAN. There is bound to be objection to any bill.

Mr. McFARLAND. There are other matters which we want to dispose of this afternoon.

Mr. McCARRAN. If we can get through with it within an hour——

Mr. McFARLAND. Mr. President, there are Senators interested in other matters and I have made commitments and feel that we should go ahead with the order on which we are proceeding.

Mr. McCARRAN. I am just pleading with the Senator.

Mr. McFARLAND. If the Senator from Nevada will talk to me later, we shall see what we can work out, but I do not want to take up his bill this afternoon.

Mr. McCARRAN. Very well.

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. NEELY in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Roswell L. Gilpartic, of New York, to be Under Secretary of the Department of the Air Force, vice John A. McCone, resigned, which was referred to the Committee on Armed Services.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAYBANK, from the Committee on Banking and Currency:

Maple T. Harl, of Colorado, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation; and

Henry Earl Cook, of Ohio, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Telford Taylor, of New York, to be Administrator, Small Defense Plants Administration.

Mr. SALTONSTALL. Mr. President, I should like to ask a question of the majority leader. Is it his intention, in proceeding to executive business, to take up the nomination of Chester Bowles?

Mr. McFARLAND. Yes; but the Senator from Illinois [Mr. DOUGLAS] will be absent some time this week and he stated that he would use only a few minutes to dispose of the nominations of two judges from Illinois. I told him that if it would not take more than a few minutes, I did not think there would be any objection. He thought the nominations could be disposed of in approximately 10 minutes.

Mr. SALTONSTALL. Do I correctly understand there is to be no opposition from the Senator's side of the aisle to the report of the committee?

Mr. McFARLAND. I cannot say that. I would not want to say in advance, but I think the nominations can be disposed of in approximately 10 minutes.

Mr. SALTONSTALL. If they are not concluded by quarter past four, will the Senator drop them in favor of the other nominations? I ask that question because there are Members on this side of the aisle who have remained because they understand other nominations were going to come up.

Mr. McFARLAND. I think we can work that out if it should take any undue amount of time.

Mr. LEHMAN. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. LEHMAN. I have already asked to be excused from attendance on the session of the Senate tomorrow, and it will not be possible for me to be present. I still want the opportunity of voting on the nomination of Chester Bowles. I think it is fair to ask that the debate, if there be any debate, on the report, be limited to 15 minutes.

UNITED STATES DISTRICT JUDGES

Mr. McFARLAND. I think perhaps the judgeship nominations could have been disposed of while we have been talking about them.

Mr. President, I ask unanimous consent that the Senate proceed to consider the nominations of Joseph Jerome Drucker and Cornelius J. Harrington, to be United States district judges for the northern district of Illinois.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be stated.

The Chief Clerk read the nominations of Joseph Jerome Drucker and Cornelius J. Harrington to be United States district judges for the northern district of Illinois, which had been reported adversely by the Committee on the Judiciary.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joseph Jerome Drucker and Cornelius J. Harrington to be United States district judges for the northern district of Illinois?

Mr. DOUGLAS. Mr. President, I rise reluctantly to oppose the nominations of Joseph Jerome Drucker and Cornelius J. Harrington who have been nominated to fill the two new positions on the Federal bench in the Northern District of Illinois.

I wish to present only a brief statement, file the remainder of my remarks for the RECORD, and merely comment upon the general situation.

Mr. President, as is well known, the Constitution provides that the President shall "nominate and by and with the advice and consent of the Senate appoint" Supreme Court judges and Federal judges in lower jurisdictions. The phrase "with the advice and consent of the Senate" was not intended to be lightly construed. I have gone into the constitutional history of the Convention of 1787, which shows that it was originally the tentative position of the Constitutional Convention that the Federal judiciary should be appointed, first, by the Congress, and then, in a later decision, by the Senate.

It was not until relatively late in the convention that the compromise was finally worked out that the President should nominate, but that the advice and consent of the Senate were required for final appointment. In other words, the Senate was expected to play an active part in selecting Federal judges.

There was a very good reason for this decision of the Constitutional Convention. There were really two reasons for it. In the first place, the judiciary is, in a sense, the arbiter of grave and basic disputes between the executive and legislative branches over their respective powers. It is, therefore, in the interest of sound government that the judiciary should not be beholden to only one of the two branches, but that there should be joint consent of the two branches required for the selection of judges.

The second reason was that great as the knowledge of a President may be, he cannot, in the nature of things, in the vast majority of instances, know the qualifications of the lawyers and local judges within a given State as well as do the Senators from that State. However excellent his general knowledge, the President does not have the detailed knowledge of the qualifications, background, and record of judges in a particular State. So, therefore, the position of the Constitutional Convention in requiring the advice and consent of the Senate was not lightly taken. It was intended to make the Senate a coordinate branch in the selection of these high officers.

I mention that because there is sometimes a tendency to forget the constitutional history and sound sense behind the provision and for some persons lightly to conclude that the appointment of persons to such offices should be the exclusive prerogative of the President. I shall file for the RECORD a somewhat fuller summary of this constitutional history, with a citation of some of the many precedents in Senate action on nominations made under circumstances like those in the present cases.

The facts in this case are very well known. Late in January I submitted two recommendations for appointment to the two vacancies. I had considered the matter for over 6 months and had taken careful counsel with leading members of the bar and leading citizens of Chicago. In my judgment these men whom I recommended were extremely well qualified. It is my understanding that they were investigated by the Attorney General's office and found worthy, and that the recommendations were forwarded to the President.

The President took no action upon these recommendations, and he did not act during the spring and early summer. I was not consulted by him or by any of his representatives at any time about the matter.

Then on the 13th of July, without any prior consultation with me, the President sent down to the Senate the names of Joseph J. Drucker and Cornelius J. Harrington. My first disposition was to make an immediate protest, but I considered the matter further and thought it was possible that the President and his advisers had facts which they had not revealed to me. I, therefore, asked the Chicago Bar Association to conduct an advisory poll of its members upon the matter. The Illinois Bar Association also took a poll, and one of the local newspapers, the Chicago Sun-Times, took a poll of all the lawyers, whether members of the bar or not, in Cook County.

I ask unanimous consent to file at the end of my remarks the record of these polls together with the summary of the constitutional history which I have previously mentioned.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Without objection, it is so ordered.

(See exhibit A, and exhibit B.)

Mr. DOUGLAS. Mr. President, I can say that the polls showed an impressive and indeed an overwhelming decision by the lawyers and qualified attorneys of the region as to the superiority of the men whom I suggested as compared with the President's appointees.

I want to make it clear that, like the Senator from Iowa [Mr. GILLETTE] and the Senator from Georgia [Mr. RUSSELL] in similar cases last year, I do not want to label the nominees themselves as being personally obnoxious to me. I regard them as estimable men and fine citizens. But I should like to point out that they were nominated without consultation

with me, without any indicaion of the reasons for their selection, and contrary to the recommendations of the much more highly qualified men whose names I had forwarded and who were supported by the heavy preponderance of informed opinion in Illinois.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. Yes.

Mr. McCLELLAN. I noted the Senator's reasons for opposing the nominations of the two gentlemen, on the basis that the Senator from Illinois was not consulted regarding their appointment. May I ask the Senator if he deems that sufficient reason for opposing confirmation?

Mr. DOUGLAS. I would say that before I would continue to interpose that objection, I would want to make certain in my own mind that my choices were superior.

Mr. McCLELLAN. Based on the assumption that the Senator has choices that are superior, and would recommend them if given opportunity to do so, or has recommended them, as the case may be, and then the Senator not being consulted regarding whom the President nominated, would the Senator judge that to be a sufficient reason for the Senate not to confirm?

Mr. DOUGLAS. I have no power of decision as to what other Senators should do.

Mr. McCLELLAN. I am asking the Senator for his expression of opinion about it.

Mr. DOUGLAS. The Senator means what I would do in similar cases?

Mr. McCLELLAN. Yes.

Mr. DOUGLAS. In case some other Senator were not consulted?

Mr. McCLELLAN. Yes.

Mr. DOUGLAS. I would say that would be very persuasive—

Mr. McCLELLAN. I think we are actually adopting a precedent when we take a position on the matter, and I wanted to make that clear.

Mr. DOUGLAS. I should say it would be a very persuasive factor in my mind. I do not mean that every appointment should be farmed out to a Senator, but that it would be a persuasive factor—not necessarily controlling—in my own decision.

I did not in this case wish finally to interpose my own opinion until I had taken a referendum of the bar. We had three referenda, and each one of them confirmed my opinion, and made me believe that my opinion was not captious and that my judgment was correct as to the relative qualifications of the various candidates.

Mr. McCLELLAN. I wish to thank the Senator from Illinois. Representing his people, he faced a problem which may confront other Senators from time to time.

Mr. DOUGLAS. That is true.

Mr. McCLELLAN. I simply feel that in this instance we are going to establish a precedent.

Mr. McCARRAN. Mr. President—

Mr. McCLELLAN. I wanted the Senator's view that the situation does justify the Senate in refusing to confirm if other candidates are available or better qualified.

Mr. DOUGLAS. Or if there are other candidates, previously recommended by the Senator whom the President does not consult, who are better qualified.

Mr. McCARRAN. Mr. President, will the Senator yield so I may propound a question?

Mr. DOUGLAS. I yield.

Mr. McCARRAN. I think the Senator from Arkansas will recognize the fact that the Senate has on three distinct occasions established this precedent in the past.

Mr. McCLELLAN. I was under the impression that at the last session of Congress three judges were not confirmed by the Senate in one day, as I recall, because the Senators in whose States the appointments were made had not been consulted about the matter. That is my recollection.

Mr. McCARRAN. Let me say that in the Virginia case, in regard to which both Senators from Virginia appeared before the Committee on the Judiciary and objected on the very ground now being used by the Senator from Illinois, the case was brought to the floor of the Senate and the position of the Senators from Virginia was sustained.

Again in the case of Georgia where almost identical grounds were used before the Committee on the Judiciary as those used by the Senator from Illinois, the matter was brought to the floor of the Senate and again the Senate sustained the Senators from Georgia.

The same was true in the Iowa case. So the precedent has already been established.

Mr. McCLELLAN. As I recall, we voted on all three cases the same day.

Mr. McCARRAN. No. The Virginia case came up many years ago; at least 10 years ago.

Mr. McCLELLAN. We voted on two cases the same day.

Mr. McCARRAN. We voted on two cases the same day. We voted on the Iowa case and the Georgia case on the same day.

Mr. McCLELLAN. That was at the last session of Congress.

Mr. McCARRAN. Yes, that is my recollection.

Mr. McCLELLAN. Mr. President, the only thing I wanted to point up is that this may not be the last time the Senate will be confronted with the same situation. Yet heretofore generally it has been expected that a Senator who opposed a nomination should say that the nominee was personally obnoxious to him and therefore, of course, the Senate generally respected that attitude on the part of their colleague.

Mr. DOUGLAS. I may say that in this instance I am following in the illustrious footsteps of the junior Senator from Georgia [Mr. RUSSELL] and the junior Senator from Iowa [Mr. GILLETTE] who did not say that the candidates were personally obnoxious, but that the manner and method of their selection made them obnoxious. I am taking my ground on precisely the same point.

Mr. McCLELLAN. I thank the Senator. I wanted to understand it, and I wanted to make the record clear that if we take that action again we are, I may say, confirming the position we have taken in the past, and it is becoming a fixed, definite precedent in the United States Senate.

Mr. DOUGLAS. I always like those lines of Tennyson:

> Where freedom slowly broadens down
> From precedent to precedent.

In this case I think that is very appropriate.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. We are under some obligation to the Senator from Massachusetts not to run beyond 4:15.

Mr. HENDRICKSON. Mr. President, will the Senator yield for one question?

Mr. DOUGLAS. I yield.

Mr. HENDRICKSON. Is it not true that the Senator is following a constitutional course in this instance in demanding that the President recognize the advice-and-consent clause of the Constitution of the United States?

Mr. DOUGLAS. The Senator from New Jersey has stated bluntly what I have been attempting to convey politely by way of circumlocution.

Mr. HENDRICKSON. I thank the Senator.

Mr. DOUGLAS. Mr. President, I think I can conclude this by saying I regret the incident very much. It was not of my making. In a sense, it has been forced upon me. But I must reluctantly raise my objection to the appointment of these candidates because of the manner and method of their selection, and because the result would, in my judgment, be antagonistic to the cause of good government and the maintenance of a strong, independent judiciary.

EXHIBIT A

SUMMARY OF CONSTITUTIONAL HISTORY OF ADVICE AND CONSENT CLAUSE AND CITATION OF LEADING SENATE PRECEDENTS

My study of the appropriate records indicates that the following is the constitutional theory upon which "the advice and consent of the Senate" is required by article II, section 2 for judicial appointments. As is well known, the "Virginia plan," drafted largely by James Madison and George Mason and presented to the Constitutional Convention of 1787 by Edmond Randolph, was the nucleus from which the Constitution was developed and furnished the basis for the discussions within the convention. It is less well known that clause 9 of this plan provided that the national judges should be chosen by the legislative and not by the executive branch. (See Hunt, Madison's Notes of the Constitutional Convention, vol. III of the Writings of James Madison, pp. 19–20: "A national judiciary be established to consist of one or more supreme tribunals and of inferior tribunals to be chosen by the National Legislature.")

There was a rather full discussion of this proposal on June 5 of 1787. Messrs. Rutledge and Pinckney favored appointment by the legislature, while James Wilson opposed it. Madison favored selection by the Senate but asked that the matter go over over for later consideration (Hunt, op. cit., pp. 90–92). The issue was again discussed on July 18. Luther Martin, Roger Sherman, George Mason, Edmond Randolph, and Gunning Bedford spoke in favor of the Senate making the appointments and a motion to vest

the appointing power in the Executive was defeated by a vote of six States to two (Hunt, op. cit., vol. III, pp. 461–464). The issue was again debated on July 21, and a modified proposal, that the Executive should make the nominations for the Federal judiciary and that these should become appointments unless disagreed to by the Senate, was again defeated by a vote of six States to three. Instead, by a vote of six to three, the convention resolved that the judges were to be appointed by the Senate (Hunt, op. cit., vol IV, pp. 35–36). This provision was retained in the draft presented by the Committee on Detail on August 6 (Hunt, vol. IV, op. cit., p. 101). It was discussed on August 23 (Hunt, vol. IV, op. cit., p. 285), but final approval was postponed. It was not until the Committee on Unfinished Parts reported on September 4 that the final compromise was worked out (see Farrand's Records of the Federal Convention, vol. II, p. 495), which was finally embodied in article II, section 2; namely, that the President should "nominate and by and with the advice and consent of the Senate appoint ambassadors * * * judges of the Supreme Court, and all other officers of the United States" (Hunt, op. cit., p. 432).

This review proves, I believe, that the advice and consent of the Senate required by the Constitution for such appointments was intended to be real and not nomial. A large proportion of the members of the convention were fearful that if the judges owed their appointments solely to the President, the judiciary, even with life tenure, would then become dependent upon the executive, and the powers of the latter would become overweening. By requiring joint action of the legislature and the executive, it was believed that the judiciary would be made more independent.

There was a second advantage which became more and more important as circuit and district courts were added to the Federal judiciary. This was that a Senator from a given State would normally know the ability, capacities, and integrity of the lawyers and judges within that State better than could a President who, however excellent, had of necessity to deal with the country as a whole. Assuming that a Senator was not markedly inferior to the President in devotion to public duty, this would justify his having a voice in the selections.

The requirement for senatorial advice and consent is, therefore, soundly based upon both the Constitution and common sense. It has been upheld in innumerable instances. Beginning with the refusal of the Senate in August 1789 to confirm the nomination by President Washington of Benjamin Fishbourn as naval officer of the Port of Savannah, there has been an almost unbroken chain of precedents on this point. John Adams stated that this was the practice in his time (John Adams, Works, vol. IX, pp. 301–302). In Cleveland's time it was applied to the Supreme Court of the United States and not merely to circuit and district judges. I could cite numerous other cases in the last 30 years, such as the Naut case in Ohio in 1921, the Moore case in 1933, the Boyle case of 1938, the Roberts case in Virginia in 1938, and the Switzer and Andrews cases in 1950.

Only last year, in the Iowa and Georgia cases, the Senate upheld the principle that the objection of a Senator in order to be valid need not be directed against the person appointed by the President, but that it might also properly be focused upon the method and manner by which the appointment was made. I am standing upon similar grounds in the nominations now before us and in addition I am objecting to the probable effects upon the judiciary if such an appointment were to be confirmed.

EXHIBIT B

REPORT OF CANVASSING COMMITTEE OF CHICAGO BAR ASSOCIATION ON MEMBERSHIP POLL ON FEDERAL DISTRICT JUDGESHIPS

The final result of a secret poll of the members of the Chicago Bar Association with respect to Joseph J. Drucker and Cornelius J. Harrington, nominated by President Truman, and Benjamin P. Epstein and William H. King, Jr., recommended to the President by Senator DOUGLAS to fill the two newly created additional Federal district judgeships is as follows:

For the first additional judgeship:

Joseph J. Drucker	553
Benjamin P. Epstein	3,656

For the second additional judgeship:

Cornelius J. Harrington	1,310
William H. King, Jr.	3,003

The association has therefore expressed its preference for Benjamin P. Epstein and William H. King, Jr.

The Chicago Bar Association previously by its board of managers had found all four of the above persons to be qualified to fill such vacancies. This poll of the members was requested by Senator PAUL DOUGLAS, the senior Senator from Illinois.

The details of the balloting are as follows:

Counted	4,358
No signature slip	72
Spoiled ballot	70
Ballot but not voting	20
Total ballots sent in	4,520

This is the largest vote with respect to judicial office in the association's history.

CHARLES A. BANE,
Chairman, Canvassing Committee.

JULY 26, 1951.

Poll of members of the Illinois State Bar Association residing in the northern district of Illinois re candidates for United States district judge

	Do you deem him qualified for office of United States district judge?		Vote for not more than 3
	Yes	No	
Joseph Jerome Drucker	594	1,948	426
Benjamin P. Epstein	2,415	354	2,237
Cornelius J. Harrington	2,085	561	1,463
William H. King, Jr.	2,562	159	2,318
Joseph Samuel Perry	2,106	334	1,968

The undersigned hereby certify that the above is a true tabulation of the votes cast in the poll above described.

AMOS M. PINKERTON.
D. A. WATSON.
DEIRD JACKER.

SPRINGFIELD, ILL., *July 24, 1951.*—Total ballots mailed, 4,915; total ballots re eived, 3,168 (64.25 percent).

Results of Chicago Sun-Times poll of Cook County lawyers on Federal court judgeships

Judge Benjamin P. Epstein	5,823
Judge Joseph J. Drucker	1,189
* * *	
William H. King, Jr.	4,520
Judge Cornelius J. Harrington	2,610
* * *	
Total ballots returned	7,625
* * *	
Spoiled or blank ballots	495

The PRESIDING OFFICER. Under the unanimous consent heretofore granted, the Senate will proceed to vote upon the nomination of Joseph Jerome Drucker, to be a United States district judge for the Northern District of Illinois, and Cornelius J. Harrington, to be a United States district judge for the same district in one vote.

The question is, Will the Senate advise and consent to these nominations? Senators who wish to approve the nominations will vote "aye." Those opposed will vote "no."

Mr. McCLELLAN and Mr. WELKER asked for a division.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Does an "aye" vote mean a vote for confirmation and a "no" vote a vote for rejection?

The PRESIDING OFFICER. A vote "aye" is a vote to confirm the nominees; a vote "no" is a vote to reject the nominees. [Putting the question.] The "noes" seem to have it. The "noes" have it, and the nominations are rejected.

The clerk will state the next nomination on the Executive Calendar.

DEPARTMENT OF JUSTICE—ASSISTANT ATTORNEY GENERAL

The Chief Clerk read the nomination of William Amory Underhill to be an Assistant Attorney General, in the Department of Justice.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HOLLAND. Mr. President, I am happy to comment briefly upon the confirmation by the Senate of the nomination of an able young citizen of Florida, Mr. William Amory Underhill, who has been named by the President to serve as an Assistant Attorney General of the United States. Mr. Underhill, now just 41 years of age, has been appointed to this responsible post in our Government a little more than 5 years after the time he entered the Department of Justice, in 1946, following honorable service during World War II as an officer in the Navy.

Mr. President, I have known of this young man and have known his people throughout his lifetime—his people before the time of his birth. They are long-time, highly respected residents of a county in Florida adjoining the county of my birth and my present place of residence.

I believe that this young man, who by character, ability, and hard work has come up to this position of high responsibility at such an early age, and from a modest but truly American background, is entitled to the praise, congratulations, and encomiums of the citizens of our State; and I voice the pride and satisfaction of the people of our State in the merited recognition which has come to this deserving citizen of Florida.

Mr. SMATHERS. Mr. President, I should like very much to associate myself with the remarks of the distinguished senior Senator from Florida about William A. Underhill. I, too, have known this young man for quite a long while and have taken pride in his steady

and deserved advancements in the Department of Justice. He is a young man whose ability, integrity, and fairness entitle him to the honor and responsibility which has now come to him, and I am sure that he will meet the demands of this new job with his customary efficiency. I am sure his friends are very proud, as are all the citizens of Florida, in this nomination by the President of the United States, and the unanimous confirmation of his nomination by the United States Senate.

DIPLOMATIC AND FOREIGN SERVICE—NOMINATION OF CHESTER BOWLES TO BE AMBASSADOR TO INDIA AND NEPAL

The Chief Clerk read the nomination of Chester Bowles to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India, and so serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal, which nomination had previously been passed over.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for the quorum call be vacated, and that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, representing the Committee on Foreign Relations I wish to make a very brief statement on the nomination of Mr. Chester Bowles to represent the Government of the United States in India and in Nepal, the position in Nepal being without additional compensation.

The Committee on Foreign Relations, upon Mr Bowles' name being presented to it, passed over action on the nomination, because of the request of a member of the committee. The Chairman of the Committee on Foreign Relations appointed a subcommittee, consisting of the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Iowa [Mr. GILLETTE], the Senator from New Jersey [Mr. SMITH], and the Senator from Maine [Mr. BREWSTER], with the junior Senator from Alabama as chairman of the subcommittee.

The subcommittee held hearings. No one appeared before the subcommittee in opposition to Mr. Bowles. No one, so far as I know, made any request to be allowed to testify in opposition to Mr. Bowles' nomination. The only witnesses heard were Mr. Bowles himself and Mr. George C. McGhee, Assistant Secretary of State for the Middle East and Southeast Asia, which area includes India.

Following the testimony of these witnesses the subcommittee voted 3 to 2 to recommend to the full committee that Mr. Bowles' nomination be reported favorably to the Senate.

The matter was presented at a meeting of the full committee, and the full committee by a voice vote voted to report the nomination to the Senate with the recommendation that it be confirmed.

I believe I am correct in saying that when the vote was taken in the full committee there were only two Senators of the Republican minority present, and they were the Senator from New Jersey [Mr. SMITH] and the Senator from Iowa [Mr. HICKENLOOPER]. The Senator from Wisconsin [Mr. WILEY] had been present during the course of the meeting, but as I recall he was called out of the room to the telephone, and the vote was taken during the time he was absent.

There were only those two members of the minority present when the vote was taken. Both the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from New Jersey [Mr. SMITH] had interposed objections to the confirmation, and I assume that they will take advantage of the opportunity in the course of the debate to state their reasons for opposing Mr. Bowles' nomination.

The Senator from New Jersey stated his position very frankly to the subcommittee. I shall not to try to paraphrase his entire statement, because I am certain he will make his thoughts known to the Senate in the course of the discussion. He stated very frankly that the principal reason for his opposing the confirmation of Mr. Bowles' nomination was that the matter of consultation, a matter in which, I will say in all frankness and fairness, the Senator from New Jersey has been particularly interested, was not followed in making the selection of Mr. Bowles.

The Senator from New Jersey issued a press release, a copy of which he sent to every Member of the Senate, in which he made a very fair and frank statement of his position.

As I say, the subcommittee recommended to the full committee a favorable report. In doing so the subcommittee gave a rather sketchy outline of what had taken place in the subcommittee, and it is very largely the substance of the report which has been filed with the Senate. I hope every Member of the Senate will read the report. It is very short. At least I hope that they will listen to my reading the pertinent portions of it.

First is Mr. Bowles' background.

He was born in Springfield, Mass., on April 5, 1901. He graduated from Yale in 1924. He was married and has three children. He was employed by the Springfield Republican from 1924 to 1925. He established Benton & Bowles, Inc., an advertising firm, in 1929, and was later chairman of the board. He was an elector for Franklin D. Roosevelt in November 1940.

It may be interesting to know that he was reared as a Republican, and I believe the testimony before us shows that he did not change his registration as a Republican until 1932. He stated that he believed, looking back upon events, that his change from the Republican Party to the Democratic Party was brought about by his strong convictions in behalf of the League of Nations back in the days of Woodrow Wilson. At any rate, he changed his party affiliation in 1932, and in 1940 he was an elector in the election of President Roosevelt.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BREWSTER. It would appear, would it not, that his change of front was rather long delayed, since the League of Nations had been a rather dead issue for some 10 years at the time, and the result of this change did not apparently bear fruit, because while the administration which he favored was elected in 1932 it made no move to redeem what he apparently expected from his advocacy of our entry into the League of Nations. He did not point out the incongruity, but it seems to me that it does reveal a little illogic.

Mr. SPARKMAN. If the Senator from Maine wishes to relish that thought, of course it is his right to do so. I did not say that that was the first time Mr. Bowles had voted the Democratic ticket. As a matter of fact, I am of the opinion that he supported Al Smith in 1928, but I do not recall that he said so. I merely mentioned the point as a part of his background, not that it has of itself any bearing upon his competence to hold the position to which he has been nominated. It is part of his background, and it was so related to the subcommittee.

In 1942 he was State rationing administrator for Connecticut. Later he became general manager of the Office of Price Administrator in Washington, and in 1943 he was appointed Price Administrator by President Roosevelt. In 1946 he was appointed Director of Economic Stabilization by President Truman.

He was an American delegate to the United Nations Educational and Scientific Organization Conference in 1946 and 1947.

He was Governor of Connecticut during 1949 and 1950, during which time, so I have heard it frequently said, he was one of only a very few governors in the United States who balanced the budget of his State.

He is the author of a book, Tomorrow Without Fear, published in 1946.

Mr. President, today there was placed in my hand a telegram signed by George D. Stoddard, president of the University of Illinois, and chairman of the United States National Commission for UNESCO. In connection with the item relating to Mr. Bowles' work with UNESCO, I think it is fitting that I read the telegram at this time:

CHAMPAIGN, ILL., *October 8, 1951.*

Sent day letter CONNALLY:

"In Paris in 1946 Mr. Chester Bowles and I were among the members of the United States delegation to the first UNESCO conference. I was most favorably impressed, as was the whole delegation, by Bowles' fine intellectual grasp of international issues, by his unfailing courtesy and patience, and by his remarkable ability to work with others.

I regard Bowles as an outstanding public worker, gifted, devoted, and deeply aware of the responsibilities of the United States in the world of today. As Ambassador to India, his broad experience in business and public administration, supported by solid traits of character, would place him in the highest tradition of American foreign affairs. We need more men like him."

Best wishes.

GEORGE D. STODDARD.

Mr. BENTON. Mr. President, will the Senator yield at this point?

The PRESIDING OFFICER (Mr. CLEMENTS in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. SPARKMAN. I yield.

Mr. BENTON. Does the Senator from Alabama know that in addition to having balanced the budget of the State of Connecticut during his 2-year term of office as Governor, Governor Bowles was one of only three Governors in the United States who achieved that distinction without raising taxes? I make that comment simply to add to the reference the Senator from Alabama made a moment ago.

Mr. THYE. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. SPARKMAN. I ask the Senator from Minnesota to wait a minute, please.

Let me say that I am glad the Senator from Connecticut has added the phrase "without increasing taxes," which I had inadvertently omitted. I am delighted to have him make that addition, because it is very important, particularly in these times.

Mr. THYE. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. THYE. I should like to ask the Senator from Connecticut what States were the ones whose governors were able to balance the State budget without increasing taxes. The Senator has mentioned three.

Mr. BENTON. I wish I could name the other two. I am much better acquainted with the record of the State of Connecticut than I am with the records of the other States.

Mr. SPARKMAN. To judge from the question, I would guess that Minnesota may have been one of the other two.

Mr. THYE. Inasmuch as the Senator from Connecticut specifically stated that Mr. Bowles was one of the three governors, my curiosity was aroused, and I wished to know who the other governors were.

Mr. BENTON. I shall make that statement for the RECORD when I obtain the information.

Mr. THYE. Mr. President, will the Senator from Alabama permit a further question?

Mr. LANGER. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield; and if so, to whom?

Mr. SPARKMAN. Mr. President, let me say to the Senator from Minnesota that I have frequently heard the statement to which he has referred, namely, that in only three States were the budgets balanced that year, without increasing taxes.

Mr. THYE. What year was that?

Mr. SPARKMAN. Nineteen hundred and forty-nine to nineteen hundred and fifty. Frankly, I do not know whether the statement is a correct one and I do not know what the States were. So far as I am concerned, the information is hearsay, and I recognize it as such.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. SMITH of New Jersey. I am advised that the State of New Jersey, under Governor Driscoll, had the same experience.

Mr. SPARKMAN. I am delighted to know that New Jersey is the second.

Mr. HICKENLOOPER. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I am delighted to yield to the Senator from Iowa, and I assume that now we shall hear that Iowa is the third State in that group.

Mr. HICKENLOOPER. Iowa was the other State in that category, and let me say that not only did my own State accomplish that, but it also substantially increased its surplus and paid most of its soldiers' bonuses out of that surplus during that period of time. I do not know whether other States are included in that category, but those are three.

Mr. SPARKMAN. I am delighted to have those three stated.

Mr. President, I see the Senator from Maine [Mr. BREWSTER] rising. I must tell him that now Maine cannot qualify. [Laughter.]

Mr. BREWSTER. Mr. President, I was going to inquire of the Senator from Alabama whether it would not be much better to put Mr. Bowles to work in this country, as Director of the Bureau of the Budget, in Washington, rather than to send him abroad. [Laughter.]

Mr. SPARKMAN. I am quite sure that if the Senator from Maine will get behind such a move, it may be capable of accomplishment.

Mr. President, in further reference to Mr. Bowles, let me say that on graduation from college, he was considered for appointment to China in the Foreign Service, but was unable to leave the United States because of the illness of his father.

In 1945, Secretary of State Byrnes invited Mr. Bowles to become an Assistant Secretary of State, but he did not accept because he considered it to be his duty to remain as Price Administrator.

In 1946 he was an American delegate to the UNESCO Conference.

Mr. Trygve Lie approached him about the possibility of his accepting a post with the United Nations as an Assistant Secretary. In 1947–48 he headed the U. N. appeal for children and traveled extensively in Europe on behalf of the fund. He has studied widely and has written articles on foreign relations.

Now we come to the main points covered in the hearings.

Two main points were raised in the subcommittee questioning of Mr. Bowles. One pertained to his knowledge, background, and experience in diplomatic affairs, especially with regard to the Far and Middle East; the other pertained to his familiarity with and knowledge of India and the Far East.

The subcommittee questioned Mr. Bowles as to his views about Mr. Nehru, about technical assistance and a point 4 program for India, the Indian situation in general, and what Mr. Bowles conceived his mission to be if he were appointed.

Mr. Bowles' answers, especially as they pertained to technical assistance, raised concern in the minds of some of the members relative to his concept of his mission. Therefore Assistant Secretary of State George McGhee was invited to consult with the subcommittee concerning the instructions under which Mr. Bowles would operate.

Mr. McGhee stated that while it was desirable that anyone going to India should have previous experience with India, "it is highly unlikely that you would find such a man, even if you sought a man in the career service."

The Department of State, in finding a successor to Loy Henderson in India, considered a noncareer man who would approach the Indian problem with an open mind. Of course, Mr. Henderson has, as we know, just been transferred to Iran.

Mr. Bowles, as is customary in the case of ambassadors, will be charged with the execution of policies, not with their formulation.

ECA or its successor will administer aid for India, and that administration will not be the primary responsibility of Mr. Bowles.

Some question has been raised as to whether, in view of the importance of India in world affairs, the President should have consulted with Senate leaders prior to the nomination of Mr. Bowles. While the committee agrees that prior consultation with respect to appointments is desirable in certain cases, there is clearly no constitutional obligation on the part of the President to do so.

Now we come to the committee's conclusions:

In considering its recommendation, the committee is primarily concerned with the vital importance of the Indian post. Realizing the growing threat of communism in all Asia, the committee is anxious to ascertain that a thoroughly capable man is assigned the post.

Mr. Bowles made an excellent impression on the subcommittee. He is able, personable, and persuasive. He should be able to fill the Indian post with credit and distinction.

The committee recognizes that he has had little formal training in diplomacy; but this will undoubtedly be offset by his native ability, enthusiasm, and personal qualities.

The committee frankly acknowledges that Mr. Bowles has not visited India, but that is not unprecedented. Distinctly in his favor is the fact that press reaction in India to Mr. Bowles' appointment has been generally favorable.

The committee is also mindful of the fact that it is customary for the Executive to make appointments to important diplomatic posts drawing people from all walks of life. There are many important business and pro-

fessional men who have been appointed as ambassadors without any previous diplomatic experience. In such instances it has been the practice of the Senate to confirm the appointments unless it finds moral turpitude or gross incompetence in the man whom the President wishes to appoint.

Given the present unsettled conditions in the world, the committee considers it important that Mr. Bowles be sent to his post at the earliest possible time. It is hoped, therefore, that the Senate will confirm his appointment without delay.

Mr. SMITH of New Jersey. Mr. President——

Mr. SPARKMAN. I yield to the Senator from New Jersey.

Mr. SMITH of New Jersey. I thought the Senator from Alabama had concluded his remarks.

Mr. SPARKMAN. I shall conclude with a further brief statement, Mr. President.

As stated in the report, following Mr. Bowles' testimony, there was some question in the mind of one or more members of the subcommittee with reference to Mr. Bowles' conception of what his job in India would be, if his nomination was confirmed. I may say that question was raised by the fact that India is such an enormous country. For instance, there are 500,000 villages in India. There are more villages in India than there are radio sets in India, if I recall the figures correctly. My recollection is that there are 350,000 radio sets in India. It is a problem to get around over India, to cover the entire area, and even to get news around over India, and to its more or less little independencies, which are almost isolated from other areas of India.

Mr. Bowles, in discussing what he thought ought to be done in India, made it very clear that he believed that whatever was done ought to be at the village level. When the question was raised about the fact that there were 500,000 villages in India, Mr. Bowles made a statement to the effect, that when the funds under the Foreign Aid Act were decided upon, when the amount was known and the question of allocation arose, he naturally was hopeful that India might receive as large an allocation as possible, considering the business of the country, the complexity of its problems, and the importance of India in the world's history.

Mr. President, I merely wish to say, in connection with that matter, that if there was anything at all in all the hearings about which any question was raised, it was regarding Mr. Bowles' attitude with reference to the economic-aid program, the technical-assistance program. But I recall to the minds of Senators the fact that what Mr. Bowles recommended was exactly what the Senator from Arkansas [Mr. FULBRIGHT] argued for in our hearings on the foreign-aid bill, exactly the program which the Senate committee adopted, and exactly what was finally adopted in the program as a whole, whereby we retained point 4 exactly as it is now, headed by Dr. Bennett, who made a very fine impression upon our committee, with Mr. Holmes, the point 4 program man representing us in India, who, I believe, made a better impression on the committee than any other person who testified on the foreign aid bill. Mr. Bowles endorsed exactly the program which Mr. Holmes had laid before the committee.

There is one other point, Mr. President, to which I wish to call attention, with reference to Mr. Bowles' idea of what ought to be done in Asia, and in that general area of the world. I read to him two paragraphs from a speech which was made to a joint session of the Congress in the early part of this year by Gen. Douglas MacArthur. I have frequently quoted that portion of General MacArthur's speech, because I regard it as perhaps the best part of what he said in recognition of what the real problem in Asia is today. I asked Mr. Bowles to comment on that. His answer was, "I subscribe to it wholeheartedly."

Mr. President, I do not care to take more time in discussing this nomination. I think I have stated, briefly, I know, but I hope rather adequately, what the impressions were which certainly came to me as an individual member of the subcommittee, and which apparently came to the subcommittee as a whole, with reference to the fitness of Mr. Chester Bowles to represent this Government as Ambassador to India. I simply remind the Senate once more that not one single person appeared who testified against him, and not one single person, certainly so far as I know, asked to be allowed to appear for the purpose of testifying against him.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. HICKENLOOPER. Is my understanding correct, however, that the Senator from Alabama received a substantial number of letters of protest against the appointment of Mr. Bowles?

Mr. SPARKMAN. The Senator from Iowa anticipated the very next thing I was going to say. At the time we started hearings on Mr. Chester Bowles' nomination, there were eight letters in the committee files commenting on the nomination. Most of them were very brief letters. I read them to the subcommittee at our first meeting, and as I recall, every one of them was very general in nature. I am not certain how many additional letters came, but I now exhibit to Senators the entire file. Knowing, Mr. President, how vocal people are when they actually feel that something is being done which ought not to be done, I submit that this is a remarkable demonstration in the case of Mr. Chester Bowles. The file which I hold in my hand is the entire committee file.

Mr. President, in all fairness, I desire to say that I have received some letters, many of which will duplicate the letters which came to the committee, though some of them are not duplicates.

Mr. President, I am also pleased to exhibit to Senators my file, consisting of letters both of disapproval and of approval. I dare say that half of them are for approval, and of the other half I dare say three-fourths of them are duplicates of what are in the committee file.

I believe it is important for us to remember the absolute lack of opposition, so far as testimony before the committee is concerned, the absolute lack, apparently, of desire to testify before the committee, and apparently, certainly so far as our mail is concerned, the lack of any great concern on the part of the people of the country.

I believe, Mr. President, that under all the circumstances the subcommittee which was appointed was as objective as any subcommittee could be. I have known Mr. Bowles ever since he was Price Administrator in Washington. I was serving in the House at the time. I had just as many conflicts with him as various other Members of the Senate had. I do not think he ever yielded to me on a single point, and I have heard others say the same thing. But that has nothing to do with my decision. I went into the subcommittee with a completely open mind, and I think every other member of the subcommittee did. We tried to listen to the testimony honestly and to arrive at a conclusion. I know that in making up my mind I took the evidence which was reported to the committee. That is all, as I see it, that we have to stand on.

I submit, Mr. President, that the subcommittee was right in recommending to the full committee favorable action on the nomination of Mr. Bowles, and that the full committee, when it considered the nomination, was right in recommending to the Senate that Mr. Bowles' nomination be confirmed.

Mr. SMITH of New Jersey. Mr. President I regret very much that I cannot vote to confirm the nomination of Mr. Bowles to be Ambassador to India, and I desire to make a few remarks in explanation of my position because normally I would follow the line of reasoning which the distinguished Senator from Alabama has just enunciated in regard to a nomination of this kind.

Let me say, in the first place, that I have had very happy personal relations with Mr. Bowles, and certainly if his nomination is confirmed I shall do everything in my power to assist him in the discharge of the responsibilities he may have to assume. But in order to make my position clear, Mr. President, I must go back a little bit to a time before this nomination came to the Senate. As my colleagues know, I have been very much concerned for a period of 2 years over the situation in the world, especially the situation in the Far East and in the Middle East. I refer especially to China and to India. I feel, as I am sure some of my colleagues also feel, that we would have avoided a good many pitfalls in China in the development of policies, especially since the close of the war in that area, had there been wholehearted cooperation between both sides of the aisle, and full cooperation with the Foreign Relations Committee of the United States Senate.

The late Senator Vandenberg, who was a tower of strength in the development of our policies in Western Europe under the Marshall plan, the Atlantic Pact, and so forth, constantly felt that we were at fault in neglecting to apply

to other areas of the world the programs we adopted for Western Europe, even though the issues in other areas were critical and we were not asked for our advice.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. If the Senator will wait a minute, I prefer to finish my statement before yielding.

I desire to point out to the Senate, if I may, that about a year ago, when the question of a Japanese peace treaty arose, it concerned all of us, especially the members of the Foreign Relations Committee and the President of the United States, in my opinion, very wisely appointed a Republican to conduct the negotiations in order to bring into the situation not only a bipartisan approach, but an all-American approach, and to prevent politics entering into the question.

Mr. Dulles immediately conferred with the Foreign Relations Committee. He leaned over backward to confer with his former colleagues on this side of the aisle. We in the Foreign Relations Committee, on our part, realizing that certain problems would arise, constantly tried to be prepared to deal with them as they affected various areas of the world with some intelligence. We organized subcommittees to cover different areas. I happen to be a member of the subcommittee on the Far East. My colleague, the Senator from Maine [Mr. BREWSTER] is familiar with what confronted us. We had been very greatly disturbed about eastern relations. The Indian and Chinese picture required intensive thought and study, and, in my case, a trip in order to enable me to study what was being done. It is a subject which, in these critical times, should be approached only by those who know something about the conditions.

My colleagues will bear me out in the statement that in the case of the Japanese peace treaty Mr. Dulles met constantly with the Far Eastern Subcommittee, and discussed the issues before us in regard to the peace treaty step by step. We participated in the plans and the contacts with other countries. We discussed the subject back and forth, and when the time came for the peace treaty to be sent to other nations for approval, before we went to San Francisco, we had the feeling that in Washington we had stood together and could support it. When the delegates went to San Francisco there never was a better demonstration of an all-American bipartisan approach, without any suggestion of politics.

We had an excellent subcommittee, and the whole committee was prepared to work, and yet the whole committee was ignored in regard to the choice of an Ambassador to India, and we were simply sent the name of someone to be the Ambassador, without our having been consulted in any way with regard to the issue, and as to who might be the most effective person to place in the position.

So, Mr. President, my first point in this connection is that I object to the nomination of Chester Bowles because of the way in which it was made. I think my colleagues will agree that the President would have been very wise to take the Foreign Relations Committee into his confidence, along with the Secretary of State, and especially for him to have taken into his confidence the subcommittee which was working constantly on the issues involved.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I prefer to finish my statement, if I may, before yielding.

It seems to me this is an outstanding instance of how a bipartisan foreign policy could be applied. I know that many of my colleagues on this side of the aisle do not believe there is any such principle, but I have been trying to defend that principle since the late Senator Vandenberg worked so hard for it, and I admired so much his approach to it. We should take the same approach, no doubt, and say, "Let us stand together and let us see who is the best man for this position." Instead of that, we have had suggested to us the name of a man whom we all like, a man who has been successful in his business, which is that of advertising. But there is a question whether an advertising expert is the best man for the position of Ambassador to India.

Mr. Bowles had a hard time when he was head of the OPA. He did have experience as Governor of the State of Connecticut, though there were differences of opinion there with regard to his qualities. But he has had no experience whatever in foreign affairs. He has had no contact whatever with the Middle East. He admitted that he had never been to the Far East. Neither one of those areas has ever been visited by Mr. Bowles.

There is a difference of opinion about his philosophy. I am not in accord with his social and political philosophies, and I feel that he would not represent the America in which I believe. That is what an Ambassador has to do.

I submit, Mr. President, there should be someone going to India as our Ambassador who has been there before, who has studied conditions there, who knows the oriental mind, who has a knowledge from first-hand observation and not from merely reading books. Without any reflection at all on Mr. Bowles, whose character is of the best, he has not been appointed in the way in which he should have been appointed if we hope to make a success in this particular situation.

It has been stated that the newspapers in India have been favorable to Mr. Bowles. Why should he not receive some favorable clippings? It seems inconceivable that they would attack him before his nomination has been confirmed.

But I am not discussing that point, Mr. President. The only point I am making is that the Senate must make up its mind whether it feels (a) that the nomination was made in the manner in which it should have been, and (b) whether under the circumstances the man is qualified to take the post when we have so little knowledge of his ability.

The President can send his appointments to the Senate any time he may wish. If a western European country were involved, if he had nominated Mr. Bowles, for instance, to a post in Belgium, which understands our civilization as we understand hers, I do not think we would have raised any objection; but to send him to India, which is one of the danger spots of the world, it seems to me is something which we Senators should explore and see if we cannot take a stand with reference to doing things in the proper way when critical subjects have to be considered.

As I have said, today Asia is one of the danger spots of the world. I submit that the matter has not been handled in a way to do justice to the Senate of the United States or to the administration in getting the best possible representative of the United States in India.

I do not wish to labor the point further. I merely express my own conviction why it is necessary, greatly to my regret, for me to oppose the nomination of Chester Bowles.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Chester Bowles to be Ambassador to India?

Several Senators asked for the yeas and nays, and they were ordered.

Mr. McMAHON. Mr. President, it is with no expectation that I shall change the minds of Senators that I now rise to say a few words to the Senate and to give testimony to the worth of a man who has demonstrated by his public service, by his life and character, by his integrity, and his devotion to duty, that he is of such stature and ability as to bring satisfaction to the minds and hearts of those who have tried to judge him and his work.

Chester Bowles has been a success in the business world. He was a success as Administrator of the OPA. He made a great many enemies. He was engaged in the kind of work that makes enemies. But the fact remains that the line was pretty well held. In the greatest conflict in history we succeeded in banking the fires of inflation, and it was not until after the close of the conflict that, in the opinion of some of us, the drafts were opened up and the fires of inflation were fed, with the results that we now know.

After that he became Governor of my beloved State. He was elected in a hard campaign in 1948, rather unexpectedly elected, by a small plurality. I believe that history will demonstrate that he was a great Governor. He was on the job continuously. He had a bright and live and wide-awake administration. No scandal touched the administration of the States' affairs. Many programs of public improvement were brought into being, notably a great housing program. As has already been mentioned, the State's budget was balanced and there was no increase in taxes. Thereby hangs a little tale that perhaps it would be well for me to tell.

In the campaign of 1950, in which I had the honor to run on the same ticket with ex-Governor Bowles, a vigorous campaign was made on the ground that we had run into the red about $7,000,000,

as I recollect, and this fact was attested to by the Treasurer of the State, who, I hardly need add, was not running on the same ticket as the governor or myself.

The truth or falsity of that assertion—and Governor Bowles kept protesting that it was not so—could not be definitely ascertained until after his term of office expired, namely, on July 1. Although I have not personally seen the figures, I am told that they showed a nice balance. But that undoubtedly did have an effect in the campaign.

There is one thing I do not want to do, and that is try that 1950 campaign over again, although I have been asked by some of my colleagues, "How was it that the Democratic governor was defeated and the two Democratic Senators were elected?" The Governor fought a hard campaign, and he fought it well. And shall I say that the kind of campaign that was waged against him in the State of Connecticut is one that I do not think either I or the people of the State now want to hold an inquest on. There is no use in raking up the kind of campaign that was made against him, but in some respects it was a shameful one.

Mr. CHAVEZ. Mr. President, I wonder if my colleague from Connecticut will yield to me briefly?

Mr. McMAHON. I yield.

Mr. CHAVEZ. Of course, the State of Connecticut had the right to make its own decision as to whom to elect to the Senate and whom to elect as Governor. I do not believe, however, it is quite fair to think that Mr. Bowles should be punished because he lost. If we are to be consistent, we should be trying to use American personnel in order to carry on our philosophy. If I recollect correctly, the people of New York turned down Mr. Dulles exactly as the people of Connecticut turned down Mr. Bowles. The good Senator from New York [Mr. LEHMAN] in an American political battle conducted according to the rules of the game, as we understand it, defeated Mr. Dulles. Nevertheless, we are all proud of the fact that this country can use a defeated candidate's talents in order to advance American institutions; and that is exactly how I feel about Mr. Bowles.

Mr. McMAHON. I thank the Senator from New Mexico very much. I think he makes the point very well. I have the highest regard for Mr. Dulles' achievement. I was glad to hear the Senator from New Jersey pay testimony to the Japanese peace treaty, and undoubtedly he had in mind the great part the defeated candidate for the Senate in New York played in bringing about that treaty. I do not doubt that there have been Senators who have been defeated for reelection and then given diplomatic posts with reference to whom there was no suggestion made that because of their defeat they were unworthy of executive appointment.

I have in mind, for instance, Senator Sackett, of Kentucky, who was named by Mr. Hoover—possibly Mr. Coolidge—as our Ambassador to Germany. He served with honor and distinction.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. SPARKMAN. In order to make the statement definite, I wish to say that Hon. Frederic M. Sackett, of Kentucky, was named by President Hoover to be Ambassador to Germany on January 9, 1930.

Mr. McMAHON. I thank the Senator.

Of course, it is a very strange doctine indeed that the Senator from New Jersey wishes to invoke that the Foreign Relations Committee, yes even a portion of the Foreign Relations Committee, should be called in by the President of the United States to advise with him about whom he should nominate as ambassadors abroad. Frankly that is a new doctrine to me. I knew that it was customary, and indeed invariably the case, for a President of the United States to consult with the Senators from the State from which a man is nominated. If he does not do so, if he chooses to ignore that time-honored custom of this honored body, then things happen, such as happened here earlier today in the case of the two judges from Illinois whose nominations were rejected by the Senate.

No; I do not think that is a custom, tradition, or a philosophy that Senators on the other side of the aisle wish to nurture and bring into full fruition, as they look with great hopes to taking over the executive department, hopes which I dare say will be frustrated by the people of the United States, for I think it might be found embarrassing in some far distant day were they now to try to fasten it onto the Senate.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. McMAHON. In a moment. I know of no consultation that took place with the members of the Foreign Relations Committee in regard to Mr. Gifford when he was appointed Ambassador to Great Britain.

There is just one other thing to which I desire to refer; and I wish that I did not have to refer to it in this debate, because I wish neither to prolong the debate nor to drag in extraneous issues.

Again we have had on the floor of the Senate a claim that the foreign policy of the United States, so far as the Middle East and Far East are concerned, was conceived in silence, perpetuated in party caucus, and kept secret from the minority party, and particularly the minority Members of the Senate. I say that there is no more demonstrable error in the history of our times than that. During the 2 years from 1947 to 1949, under the chairmanship of the late great Arthur Vandenberg—and he was my friend—and under the domination of the Republican majority in the Senate, the China policy was written on the floor of the Senate, so far as the legislature was concerned. As a member of the Foreign Relations Committee I can testify that from 1947 to this very good date there has not been any step taken in the foreign policy of the United States with regard to the Far East, or with regard to anything which could be regarded as approaching major proportions, that has not been placed before the Foreign Relations Committee. If that fact needs to be demonstrated, I invite any Senator to look at the executive hearings before our committee.

I do not know what we could have done about China. I do not know what we could have done to have changed the situation, other than a full-scale participation in the civil war which went on there. Perhaps we should have done it. I heard no cries raised in this body for expeditions into the interior of China.

Mr. President, if I were to digress on this subject I should be talking for a very long time indeed. Perhaps we had better save this question for a full-scale debate some day in this body, until we try out, as best we can on a suitable issue, the question of where the body is buried, so far as our far eastern policy is concerned.

I do not believe that Mr. Bowles has very much to do with that question. He was not in the State Department at the time. He was not a Member of the Senate during the Eightieth or Eighty-first Congress, which had the responsibility so far as the legislature is concerned, for what happened in China. The responsibility cannot be very well laid at his door. We had our defeats, from which certain people would like to divorce themselves and remain married only to the victories. No; Mr. Bowles was at that time the OPA Administrator or Governor of the State of Connecticut.

Mr. President, I close by referring very briefly to what the principal Republican newspapers of my State have said about this nomination. They fought Mr. Bowle's intensely and vigorously in the campaign of 1950. But, as is customary when campaigns are finished and men take a cooler and more dispassionate view of personalities and issues, when their judgments are not colored with competition and rivalry for the possession of office, we are more likely to get balanced judgments and opinions on the worth of policies and public men.

The Senator from Alabama has called my attention to the fact that on pages 26, 27, and 28 of the hearings are printed editorials from the Hartford Courant, from the Hartford Times, which is not a Republican newspaper, but an independent newspaper with Democratic leanings, and two editorials from the Bridgeport Post, which is a Republican newspaper. I quote from the editorial from the Courant, the oldest newspaper of daily publication in the United States, as Senators know. I have disagreed at times with its editorial page, but so far as I am concerned it is a newspaper which is published and edited by gentlemen. I would to God that we had all over the United States the same high standards of newspaper ethics as are exemplified by the Hartford Courant and the Bridgeport Post, both of which occasionally give me a spanking.

What does the Courant say?—

Mr. Bowles is a highly intelligent man, with imagination, psychological insight and an acute sense of social responsibility. In India he will see a country that is badly off,

not only because it is poor but also because it is shackled by customs and superstitions that continually accentuate that poverty. The soil of the country, for instance, grows worse each year because much of the natural fertilizer is burned for fuel. Though on the verge of starvation, the people do not slaughter cattle for food. These are some of many customs that run counter to what the occidental considers good sense.

There will be a great deal in India to draw on the humane instincts of both the Ambassador and Mrs. Bowles. Both are in a position to help the distressed masses there, and doubtless both are aware of the challenge implicit in this appointment. They will bring support to Prime Minister Nehru in his work of uplift and reform, opposed by the social reactionaries of that fabulous land.

Incidentally, let me say a word about the wife of the Ambassador. Popularly known in our State as Steb Bowles, she is a gracious lady, a fine mother, and one of the most charming persons it has been my pleasure to meet. She will be of very great help to the Ambassador in the task which he is about to undertake.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. AIKEN. I noticed that the Senator referred to the Bridgeport Post as being a Republican newspaper. How long has that situation prevailed?

Mr. McMAHON. Too long, O Lord, too long.

Mr. AIKEN. As I recall, a very fine, lovable, white-haired old gentleman named McGovern used to operate that newspaper. I always regarded him as quite an ardent member of the anti-Republican Party of Connecticut. I was wondering when the change took place.

Mr. McMAHON. Jim McGovern is one of the grand old men of our State.

Mr. AIKEN. He was a good friend of mine, and I thought a great deal of him, but I wondered if he had turned Republican.

Mr. McMAHON. No. Jim McGovern, the grand old man of our State, and president of the Associated Press in the State for many years, is still alive. He is getting well along in years. He was the editor and publisher of the Bridgeport Star, which was taken over by the Bridgeport Post and the Bridgeport Telegram, which are owned and published by Republicans. Mr. McGovern is still with the paper in a less active capacity than formerly. He acts in somewhat of an advisory capacity. I think it will delight my friend and the Senator's friend to know that he has had this tribute paid to him by the Senator from Vermont.

Mr. AIKEN. I certainly had a very high regard for Mr. McGovern, and I am glad to have the explanation as to how the Bridgeport Post came to be Republican.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MONRONEY. I ask the distinguished Senator from Connecticut if it would not be an oversimplification if the United States Senate were to insist on the appointment to the so-called tough diplomatic spots or other tough spots in handling our foreign affairs, only of men who have been raised in the career diplomatic service? I think recent events, such as the selection of men like Paul Hoffman, a great member of the Republican Party, have demonstrated that from among our businessmen we can select men who have broad knowledge, and who, given an assigned task, handle it with great distinction. In view of Mr. Bowles' experience, first in business and later as Administrator of the toughest problem ever handed a Federal administrator, that of the OPA in World War II, and in view of his service as Governor of the great State of Connecticut, I believe there has been ample demonstration that he has had adequate experience to enable him to succeed in the tough assignment of being Ambassador to India.

Mr. McMAHON. I certainly think that the answer to the question and the suggestion of the Senator from Oklahoma [Mr. MONRONEY] must be in the affirmative. I do not believe we wish to promote the idea that only in the professional Foreign Service are to be found candidates for future ambassadorial posts. Frankly, Mr. President, if I were to try to imagine a man who was better suited to occupy the post of Ambassador to India it would be hard for me to think of a better candidate than Mr. Chester Bowles. I mean that from the bottom of my heart. Some Senators may be right in their contrary views, or perhaps they may be wrong. However, in the great poverty stricken country of India, a land which is intensely nationalistic and in which new and serious problems are arising, problems which we wish to try to help them solve, it seems to me that we want a man who has a capacity for a fresh approach, who has warm human instinct, who is intelligent, and who has demonstrated his capacity for hard work. It would seem to me that on all grounds and specifications Mr. Chester Bowles fits the picture better than anyone else in public life.

I hope the Senate will confirm the nomination of Mr. Bowles by an overwhelming vote.

Mr. MONRONEY. Mr. President, will the Senator from Connecticut yield?

Mr. McMAHON. Yes.

Mr. MONRONEY. I referred to Hon. Paul Hoffman, and the outstanding job he has done. I am informed that he is enthusiastically in favor of the selection of Mr. Bowles as Ambassador to India. I believe the judgment of Mr. Hoffman is reliable because of the outstanding corps of men he has caused to be associated with him in the organization of ECA and their accomplishments. I feel that the Senate would be making a grave mistake in failing to take advantage of the opportunity to confirm the nomination of Mr. Bowles.

Mr. McMAHON. I thank the Senator.

Mr. TAFT. Mr. President, I cannot think of anyone who is less qualified to be Ambassador to India than Chester Bowles. I know him well. I have some respect for his ability in some lines. I first met him when he came before the Committee on Banking and Currency with respect to the OPA. I was very favorably impressed with him, and he started off very well, but before he was through he had antagonized practically every member of the committee. He adopted the theory of a controlled and planned economy. By the time he got through his administration of OPA was practically universally despised by the people of the country.

So far as his experience in business is concerned, he was an advertising man, and I do not think that gives him any qualification whatever to be Ambassador to India, which today is one of the most crucial spots in the entire world.

In the second place, it is stated that he is a man of experience because he was Governor of Connecticut. The people of Connecticut did not think he made a very good Governor, because they refused to continue him as Governor. That is not experience upon which to base a man's qualification for Ambassador to India. He was defeated in Connecticut when our distinguished colleagues, both of them Democratic Senators, were elected, at the same time that the people of Connecticut rejected Mr. Bowles as Governor because of his theories of government, which were contrary to what the people of Connecticut believed in.

Mr. McMAHON and Mr. CHAVEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; if so, to whom?

Mr. TAFT. I yield first to the Senator from Connecticut. I believe he was on his feet first.

Mr. McMAHON. Of course, I know that the Senator from Ohio has an intimate knowledge of what goes on politically in every State in the Union. He keeps up with what goes on in the country on a day-to-day basis. I honor him for his assiduous devotion to his duty.

Mr. TAFT. Mr. President, I yielded to the Senator from Connecticut for a question, not for praise. I thought he came to bury Caesar, not to praise him.

Mr. McMAHON. That was my answer to the Senator from Ohio, because the Senator from Ohio implied a compliment to the Senators from Connecticut—and I will take a bow for my colleague—by pointing out that we had won in the election. I am sure it was no reflection on the great Senator from Ohio that, while in the last election he carried the State of Ohio by an overwhelming vote, in 1944 he came within 3,000 votes of being defeated.

Mr. TAFT. Mr. President, I yield to the Senator from New Mexico.

Mr. CHAVEZ. I wish to ask a fair question, because I disagree with the Senator's statement that the fact that Mr. Bowles was defeated for the governorship of Connecticut automatically disqualifies him as Ambassador to India.

Mr. TAFT. I said that the fact that he had been Governor of Connecticut had been urged as a reason why he was qualified to be Ambassador to India. I said it was no justification for such a qualification.

Mr. CHAVEZ. No.

Mr. TAFT. I do not say that fact alone disqualifies him.

Mr. CHAVEZ. No; it was just an indication. Is there as much justification

for sending Mr. Bowles to India as our Ambassador as there was for sending Mr. Dulles to negotiate with Japan a treaty of peace, notwithstanding the fact that Mr. Dulles also was defeated by the people of his State?

Mr. TAFT. Mr. Dulles has had long diplomatic experience. He has had experience in the diplomatic field ever since his early youth. I believe his grandfather was Secretary of State in the Cleveland Cabinet. He has studied the whole question of our foreign policy. I do not believe the two are in any way comparable.

Mr. CHAVEZ. Let me see if I can find one that may be comparable.

Mr. TAFT. I have no doubt that the Senator from New Mexico can find an equally unqualified ambassador in this administration.

Mr. CHAVEZ. The people of Kentucky, rightly or wrongly, defeated former Senator John Sherman Cooper as Senator from Kentucky. I do not believe the fact that the people of Kentucky decided in a political campaign not to return Mr. Cooper as a Senator disqualified him from being a servant of the United States in international affairs. He had not had any experience, either.

Mr. TAFT. Former Senator Cooper served on various boards and commissions. He was not appointed out of a clear sky, before he had had any diplomatic experience, as Ambassador to the most important post probably in the entire world. In any event, I am not claiming that the mere fact that Mr. Bowles was defeated in Connecticut disqualifies him to be Ambassador to India. What I said was that it was no argument in his favor. The fact that he was governor of Connecticut does not indicate that he is qualified to be Ambassador to India. That was the argument made by the distinguished Senator from Connecticut [Mr. McMAHON], as I understand.

Of course, Mr. Bowles has had no experience as a diplomat with a big "D." He has never had anything to do with our foreign policy. In the second place, he is not a diplomatic man. I have had a great deal of experience with him in that respect. There is no reason to think that he would act diplomatically in the sense in which we try to maintain our relations with a foreign country. In short, as I have stated, he has adopted the almost complete collectivist policy. He is in favor of spending money. I believe that one of the most dangerous places to send a man who is in favor of passing out money is India, because their whole view is that we should give them the world. That is Mr. Bowles' philosophy. Before the committee he stated:

> I hope that the committees will do everything they can do in allocating the money, to see that we get as much as we can out there. That is the thing that you are working on now. It is a big country, and whatever we have won't be enough. It never is, of course.

In other words, a part of his general philosophy is passing out American money, not only in India, but throughout the entire world. No other promise can be so dangerous, and any such leaning on Mr. Nehru can be very dangerous, because when the policy is finally rejected by Congress or cut down it will only antagonize the Government of India and delude them into believing that in some way we are prejudiced against them because we do not give them as much money as they want.

Mr. SPARKMAN. Mr. President, I am sure that if the Senator from Ohio would read the first sentence he would see that Mr. Bowles was talking about money which Congress was in the process of authorizing. However, I wish to ask the Senator from Ohio whether he is aware of the fact that only yesterday the administration was severely taken to task because of its miserly conduct toward India by a very distinguished gentleman in the Republican Party, Mr. Harold Stassen.

Mr. THYE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Minnesota.

Mr. THYE. May I ask the Senator from Alabama what Mr. Stassen criticized? Will the Senator state the specific thing Mr. Stassen criticized?

Mr. SPARKMAN. Yes; he said this country had been miserly—I am not sure he used that exact word—in the amount of money it had provided for India and for Asia; and, as a matter of fact, he said we had been derelict because we had not set up a Marshall plan for that area.

Mr. THYE. Mr. President——

Mr. TAFT. Mr. President, I yield further to the Senator from Minnesota.

Mr. THYE. I should like to ask whether the statement to which the Senator from Alabama refers was given by Mr. Stassen in reply to questions which the Senator from Alabama asked of Mr. Stassen.

Mr. SPARKMAN. No, it was given in his direct statement; and then the members of the subcommittee queried Mr. Stassen in regard to what he meant.

Mr. THYE. Was that statement made in the afternoon, after 3:30 p. m.?

Mr. SPARKMAN. I do not know at what time the statement was made. I was there from 10 a. m. until 7:30 last night, with Mr. Stassen. I could not tell the Senator the particular minute when Mr. Stassen made any particular statement. However, he devoted a great part of his prepared statement to India and to an attack on the administration for its miserly conduct toward India.

In response to questions, he specifically pointed out that we had provided a Marshall plan for Europe, and he felt that we were derelict in our duty in not providing a Marshall plan for India.

Mr. THYE. I would suggest that the Senator from Alabama read the testimony, because it is obvious to me that his mind has played tricks on him, relative to the testimony given yesterday, because I was at the committee hearing until 3:30 p. m. yesterday, and that is why I asked the Senator from Alabama at what time Mr. Stassen made the statement to which the Senator from Alabama has referred.

I will state to the Senator from Alabama what Mr. Stassen said.

Mr. SPARKMAN. I have sent for an official transcript of the testimony, and I shall be pleased to rest on it.

Mr. THYE. Mr. President——

Mr. TAFT. I yield further to the Senator from Minnesota.

Mr. THYE. I will state to the Senator from Alabama what Mr. Stassen said. Mr. Stassen said that the administration had been slow in making available wheat to India; he said that the administration had dragged its feet for about 15 months when there was dire need for the wheat because there was starvation in India. That was the testimony given by Mr. Stassen.

He may have told the Senator from Alabama something about the Marshall plan, after 3:30 in the afternoon; but prior to 3:30 in the afternoon, Mr. Stassen was only speaking about the fact that this administration had dragged its feet in regard to the wheat loan.

Mr. Stassen did say that there was need for technical aid to India because India has a vast amount of land which can be well irrigated because there are ample water resources there; but Mr. Stassen was not critical of the administration because it had not put forth a Marshall plan for India.

I hope the Senator from Alabama will read the record of the testimony, in order that he may be positive in what he says on the floor of the Senate.

Mr. SPARKMAN. Mr. President——

Mr. TAFT. Mr. President, I yield once more; but I should like to conclude my statement, and then the Senators can have their own debate.

Mr. SPARKMAN. I wonder whether I may reply to the last statement made by the Senator from Minnesota, and then I shall not ask the Senator from Ohio to yield further.

Mr. TAFT. I yield.

Mr. SPARKMAN. My very good friend, the Senator from Minnesota—and he is my good friend, and I admire him greatly—admits he left the hearing at 3:30 in the afternoon. I think it was at 7:30 yesterday evening when I left there; at least, it was well along in the day.

I am perfectly willing to stand on the official transcript.

I know Mr. Stassen said what I have stated he said.

Furthermore, with reference to the sending of grain to India, and speaking of one's mind playing tricks, either his memory played him a trick or else he simply did not come out with the facts, if they were in his possession. I challenged him on his statement at the time; and he told me, as I recall, that it was not until December 1950 or January 1951 that Madam Pandit first made the official request for grain for India. I find that it was in December 1950; and instead of 15 months elapsing, the President, in a special message to Congress on February 2, 1951, urgently asked that Congress give early approval to the request of India for grain.

Mr. President, that is the record, and I submit it to any fair-minded person.

Mr. TAFT. Mr. President, my impression is that Mr. Nehru asked for the wheat when he was in the United States,

which was nearly a year before 1950. However, I do not purport to know the details of that subject.

I merely wish to conclude what I have to say regarding this nomination.

Mr. SPARKMAN. Mr. President, I wonder whether the Senator from Ohio will yield again to me, long enough to permit me to answer on the last point.

Mr. TAFT. Yes, I yield.

Mr. SPARKMAN. In October 1949, Mr. Nehru was in the United States. He had conversations with our proper officials, including the President, with reference to certain trade agreements, including the purchasing of grain, not for the purpose of relieving famine, but to build up a stockpile, the only difference being that he wanted the grain at a price less than the prevailing market price; in other words, he wanted it on a subsidized basis, but we told him that we could not furnish it to him on that basis.

However, no request was made for grain to relieve famine, until Madam Pandit made an official request in December 1950.

Mr. TAFT. Mr. President, to summarize, I only wish to say that we have the responsibility of determining whether a man is qualified for the position to which he may be nominated.

I see no qualifications on the part of Mr. Bowles. I see nothing in his business experience to show such qualifications; I see nothing in his experience as Governor of Connecticut to show such qualifications. Certainly I see no diplomatic experience on this part; certainly I see nothing in his character, so far as I can tell, which can be pointed to as proof that he possibly would be a good diplomat in one of the key positions of the world.

Finally, Mr. President, it seems to me that Mr. Bowles' general philosophy is that of a man whom we should not send to India at this time—a man who has his general philosophy of spending and of a general, planned economy. I do not think such a man will be the proper one to combat the possible spread of communism in India. I do not think he is a man who will really picture to Mr. Nehru the true attitude of the American people.

So, Mr. President, it seems to me that we have the responsibility of rejecting the nomination of a man who is brought into this situation without any qualifications, and is nominated to hold one of the key positions in the world today.

Mr. HICKENLOOPER. Mr. President, I am one of those who have opposed, and who now oppose, giving the consent of the Senate to the appointment of Mr. Bowles as Ambassador to India.

In the first place, I wish to clear away any question about moral turpitude or personal gross incompetence. Those two things are completely out of the picture, so far as I am concerned. Not only do I not know of any moral turpitude on the part of Mr. Bowles, but I believe him to be, within the limitations of his particular economic and social philosophies, a completely moral man in keeping with his belief. I raise no point about that; I believe Mr. Bowles to be, within the length and breadth of his particular philosophy, a completely honest man.

Mr. Bowles has considerable competence in the advertising field, and he has considerable competence in the bureaucratic field in government, in that he has been able to secure, after making a substantial amount of money in private life, various appointments in the nature of preferential positions in the bureaucracy which has been built up. So he has a certain competence which is not to be denied, and for which I credit him.

By the same token, the fact that I think Mr. Bowles believes in government management philosophies, as against what I believe to be the genuine, proper theory of government, namely, the self-responsibility theory and the individual responsibility theory, and not the fact that Mr. Bowles happens to belong to a political party which is different from the one to which I belong, could constitute a reason why I would oppose confirmation of his nomination to be a diplomatic official in some sections of the world.

Mr. President, we have all sat here during our terms in the Senate and voted to confirm nominees or raised no objection to men appointed by the President of the United States to high office, in spite of the fact that, in most instances, had some of us had the power to appoint or the power to designate, we would never have designated them to the positions for which they were chosen. If disagreement in politics were the sole and only reason for opposing a Presidential appointment, of course, practically no appointees of a partisan President would ever be voted for by the opposite party. That is not the case, Mr. President. I have voted for and approved the nominations of countless individuals who do not belong to my political party, on the theory that I had no specific reasons for opposing them for the particular positions for which they were selected, and I felt that I should go along with them. As a Member of the Senate I feel that I should oppose a nominee only when I believe the best interests of the country will be served if his nomination is not confirmed.

We are all familiar with the argument that the President has the power to appoint and that he has a constitutional responsibility in a constitutional field. Of course he has the constitutional responsibility first to nominate—not to appoint, but to nominate. Then, by and with the advice and consent of the Senate, he may thereafter appoint; and that places the Senate in a position of at least equal responsibility in passing upon or approving nominations of citizens for high offices.

The Senator from New Jersey [Mr. SMITH] a moment ago said he might well approve, as far as his responsibility was concerned, the appointment of Mr. Bowles to some other position in the world where conditions were different and where the sensitivity of the situation was not so acute. I might find myself in a position of that kind, so far as Mr. Bowles is concerned, in regard to other spots. But, Mr. President, every Senator who has spoken this afternoon, either for or against Mr. Bowles, has admitted that at this time southeast Asia is a very sensitive and a very difficult area. Some have even added the statement, which may be very appropriate, that it is a sick area of the world today; and very sick indeed in some sections.

Mr. President, I call attention to the fact that if one has a very sick child or a very sick relative, he sends for a trained, experienced physician to treat the sick child or relative; he does not send for the Fuller-brush man.

I believe India is one of the most sensitive spots in the world so far as the balance of political governments in the next few years is concerned. I believe India is indeed an acutely sensitive spot. I think we had better send a trained physician there to represent our school of therapeutics, if you please, Mr. President, rather than the Fuller-brush man to sell them gadgets; and by selling gadgets I mean, selling a bill of goods based upon increasing American bounty and dollar diplomacy rather than selling ideas and affording guidance along the way of enterprise and self-responsibility among the people of India, which I think is the only formula by which we can help people to lift themselves from either degradation or poverty up to responsibility.

The Senator from Ohio quoted from the record of the subcommittee, and I call attention to some very significant language in the testimony. The subcommittee was courteous to me in inviting me to attend the hearings, and I appreciate it. I attended for a limited time when Mr. Bowles was testifying. During that time he used the following language in connection with his idea of how we should undertake in the 500,000 villages and among the 375,000,000 people of India to lift them up. Among other things, he said:

> I hope that the committees will do everything they can do in allocating the money, to see that we get as much as we can out there. That is the thing that you are working on now.

That statement, together with some of his other statements, all taken together, led me to a definite impression about his attitude. So, after that, when the chairman asked me whether I had any comments or any questions to raise, I said this to Mr. Bowles, among other things:

> Frankly, I have been disturbed over the period of the past several years with the avidity with which this country is pouring out our money in other countries in an attempt to have them spring full-blown into economic self-sufficiency overnight, when they have gone for thousands of years with an organized society and haven't made progress under their own power.

In interpreting what I believed to be his position, I further said to Mr. Bowles:

> Now, frankly, I disagree with your philosophy of our American Ambassador going out to India with the idea of getting as much American money as we can to spend around over India on point 4, simply because they

have 350,000,000 people there, in 500,000 villages.

In that statement, Mr. President, I was trying to interpret to Mr. Bowles and make perfectly clear in the hearings that I thought he was going forth to India on a money-spending expedition. Mr. Bowles had to catch a train that afternoon. There were several pages of discussion after that, but Mr. Bowles at no time contradicted the interpretation I stated to him of his attitude as to what he should do as American Ambassador to India.

I feel that India is an important part of the world, indeed a vital part of the world. There are a number of countries in Southeast Asia which do not always see eye-to-eye with what we call the West. I have the feeling that many of those countries are still very much disturbed by the imperialistic or colonial policies which have been in force there for a long time, that their attitude is one of question and wonder, that they do not understand exactly what the American system is, and that, if we are to get along with them and if our relations are to become increasingly better, we must have there in important positions representatives who fully understand at least what are some of our concepts of the American system, which is a system of self-help, of hard work by the individual, of self-responsibility, and of free individual enterprise. I feel that people who have been preaching up and down the land, not only in the United States over the past 15 or 20 years, but who also as our official representatives have been preaching to other nations of the world the idea that we are gradually collectivizing our business, our opportunities, and our whole enterprise system, which has made this country strong, are ambassadors of disservice to our country and to the freedom-loving nations of the world.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield for a question.

Mr. KNOWLAND. I should like to ask the Senator whether he understood as I did the remarks of the Senator from Alabama [Mr. SPARKMAN], which rather shocked me, in a way, because, unless I have misinterpreted what he said, the Senator stated that one of the reasons for the selection of Mr. Bowles was that apparently we had no career diplomats who could take the post. If that be so, then certainly our diplomatic policy has been in a bankrupt state, if, with all our diplomats abroad who have had service, there could not have been selected a man who had had some diplomatic experience in the area of India. I personally do not believe we are in any such bankrupt position.

In dealing with the critical situation in Asia, one name occurs to me as that of a man who might have been an ideal choice for the post in India, and I should like to ask the Senator from Iowa if he does not think that this man at least represents a type which has had diplomatic experience and might have filled the bill. I refer to Dr. Ralph Bunche, who has given devoted service to this country in connection with the United Nations and elsewhere, and who might have been able to furnish an excellent representation to India and to help interpret this country to India and India to this country.

Mr. HICKENLOOPER. Dr. Ralph Bunche is a great and eminent American of great ability. He undoubtedly has great capacity to discharge the duties of any office which he undertakes. I hope the Senator from California will pardon me if I say I would rather not refer to any particular individual as the one who could best fill the position of Ambassador to India, because there are a number of men who could well look after the interests of the United States in selling American principles in the Orient. I would prefer not to pinpoint any individual at the moment. It happens to be the responsibility of the President to nominate individuals, and it is the responsibility of the Senate to pass upon their qualifications.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. AIKEN. Does not the difficulty in getting the right man for the right position lie largely in the fact that such positions go to those who have made very liberal campaign contributions to the party chest, that the career diplomats do not make enough money to make such contributions, and, therefore, do not receive any important ambassadorial posts? Is not that fact responsible for some of the troubles in which we find ourselves? I am standing up for the career diplomats. I do not see how they can get money enough to secure appointments to any of these positions.

Mr. HICKENLOOPER. I will say to the Senator that I think there are any number of diplomats in our career diplomatic service who could do an admirable job of representing American ideals and basic principles to the Indian people. As to some of the more important posts, it no doubt takes more money out of the pocket of the Ambassador to operate the Embassy post than career diplomats, in many cases, can afford, unless they inherited money or married rich wives. As a consequence, too often in the past persons have been appointed to diplomatic posts based upon their financial situation rather than upon their diplomatic experience.

Mr. AIKEN. The Senator is entirely correct. I am not casting any aspersions on any of the Ambassadors to the more important posts, and I am not casting any aspersions on Mr. Bowles. I am simply pointing out that there has been an unfortunate practice of giving the more important posts to the more liberal campaign contributors, and we ought to get off that basis one of these days.

Mr. HICKENLOOPER. I think that practice has been indulged in too often in the past. I do not know how much Mr. Bowles contributed to the national, State, and local Democratic campaign funds, but I assume, although I do not criticize him for it, that he contributed the full legal limit all the way down the line, because I understand he is a wealthy man.

I will say to the Senator from Vermont, since he has raised the question of political appointees, that I am thoroughly convinced that the appointment of Mr. Bowles had politics at its base. It was a political reward to a supporter of the administration, and it was not made because of any diplomatic ability which he possesses.

Mr. AIKEN. I was just wondering about that. The statement was that he was appointed for political purposes. I was wondering whether it was to promote political purposes, or whether he was to have a selling job.

Mr. HICKENLOOPER. It was a political reward for political support of the present administration.

Mr. AIKEN. That practice has been indulged in for a long time.

Mr. HICKENLOOPER. That is correct. I have no doubt it has been indulged in by both parties in the history of the country. But that does not make it right.

Mr. SPARKMAN. Mr. President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield for a question.

Mr. SPARKMAN. I hope the Senator from California will listen to this statement. He purported to quote me a few minutes ago as saying that we had a dearth of material from which to fill these diplomatic posts.

First of all, I should like to invite his attention to the fact that India has been an independent nation only since 1947, and there have been very few persons of the rank of Ambassador who have served in India.

I think the Senator from Iowa has answered the question adequately with respect to an individual. It is our responsibility to approve or disapprove an individual whose nomination the President sends to us. I believe it is fair to keep that in mind.

If the Senator from Iowa will permit, I should like to call attention to the fact that there is today a higher percentage of career officers in diplomatic posts than there ever has been before in the history of this Nation. As of February 8, 1951, there were 66 posts, chiefs of missions. Forty-four were filled by career officers, or 67 percent; noncareer officers, 22, or 33 percent.

With reference to the appointments made by President Truman during the time he has been in office, there were the following noncareer officers, according to the list which has been furnished me:

Prentice Cooper of Tennessee, who was appointed to Peru in 1946. Mr. Cooper had been Democratic Governor of Tennessee.

Myron M. Cowan, of New York, to Australia, July 1, 1948. I think he is recognized as one of our best diplomatic officers. He is now in the Philippines. I do not know what his background is as to office holding or his political alinement.

Mr. HICKENLOOPER. He comes from Iowa; he must be a pretty good man.

Mr. SPARKMAN. I do not know whether he is a Democrat or a Republican.

Mr. HICKENLOOPER. I do not, either.

Mr. SPARKMAN. He must be somewhere close to the middle of the road.

Mr. HICKENLOOPER. I will say that the high degree of intelligence and ability with which he performs his duties makes me think he is a Republican.

Mr. SPARKMAN. The next is Dwight P. Griswold, of Nebraska. He was a Republican Governor of Nebraska.

The next is Walter S. Gifford, of New York, who is a well-known Republican.

The next is Ellsworth Bunker, of New York, who was sent to Argentina this year. He is a prominent business executive and bank director. I do not know what his political affiliation is. I dare say the Democratic Party received very few contributions from that list of noncareer appointments which were made during the time President Truman has been in office.

Mr. AIKEN. Mr. President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield.

Mr. AIKEN. Mr. President, the Senator refers to Mr. Ellsworth Bunker, who is one of my good neighbors, who has a farm about 2 miles from where I live in Vermont. I would not ask for a better neighbor. He has been in the sugar business and has been very successful at it. So far as I know, he has not had diplomatic experience. He has been a liberal contributor to the Democratic Party, however. I have not heard that he is not making a good Ambassador in Buenos Aires. I am confident he would try very hard to fill, with credit, any position which he held.

Mr. HICKENLOOPER. Mr. President, I desire to say to the Senator from Alabama that I think he has added materially to the strength of the argument I have been making, when he now points with pride to the fact that the administration has actually been promoting more trained career diplomats in the Diplomatic Service. Then I ask him: Why in one of the most sensitive diplomatic jobs in the world today, so far as the American Government is concerned, does it not continue the policy toward which he so proudly points, and appoint a trained, experienced diplomat to take care of the interest of the United Sttates in that sensitive and, as some say, sick area of the world?

Mr. President, I am going to conclude what I have to say. I feel as do some other Senators about the effect of speeches on votes. The Senator from Connecticut said he did not think he would change any Senator's mind. I do not think I will change any Senator's mind by what I am saying. But I do want to register my protest chiefly because, as I said a moment ago, if there is a sick part of the world, or a part of the world whose recovery, so far as concerns association with the West, is in the balance, then to that sick part of the world we should send a physician, and not a Fuller-brush man.

My desire is to see men appointed to diplomatic and other positions who are qualified and experienced in representing and maintaining the basic ideals of the American system of government as I understand them, and as I hope we all understand them.

I have no objection whatever so far as Chester Bowles' personal character is concerned, so far as his moral character is concerned. I believe him to be a moral man. I believe him to be an honest man. I believe him to be a truthful man. But I believe him to be an inexperienced man appointed to a position where we need the best qualified man available. I have supported persons named to various ambassadorial positions whom I did not think were necessarily the best qualified, but I did not think the American prestige and the American philosophy of government would suffer greatly as the result of their appointment. In this instance, when there is to be dealt with an extremely sensitive situation, indeed, a dangerous situation, because, as the Middle East goes, so may the entire Orient go eventually, I feel that it will take handling of the most delicate sort, of the most experienced sort, and in the last analysis of the most American sort by a person who in all respects is qualified to undertake the task. Therefore, for the reasons I have stated, I shall vote against Mr. Bowles' appointment.

Mr. BREWSTER. Mr. President, I was a member of the subcommittee dealing with this matter. I shall not review the comments which have been made by other Members on this side of the aisle, with which I heartily concur, but I do want to complete the record so far as the pending nomination is concerned.

In the first place, Mr. Bowles' career has been referred to. I desire to call attention to certain details which were not quite adequately covered. I quote Mr. Bowles' own statement regarding how he first got into public life. He says on page 2 of his evidence:

> I then stumbled by accident into the Office of Price Administration—

I hope he will not sometime say he stumbled by accident into the position of Ambassador to India—

> first as rationing administrator in a very small area, then as State director, finally as Administrator, and finally as Director of the Economic Stabilization Office, at which time I gave some of you gentlemen in Congress difficulties, but I had my own difficulties too, if you remember.

We are all familiar with that administration, which the President himself was finally obliged to terminate and repudiate.

Then he was offered the position of Assistant Secretary of State, which he refused for reasons which he considered sufficient.

He then went as delegate to the UNESCO Conference where he spent some 3 weeks, and from that he became head of the Children's Fund which, in his own words "was a colossal failure." I do not attribute responsibility to him, but he himself tells how they started out with some very large ideas to raise $200,000,000. They finally raised $20,000,000, and then the whole proposition collapsed.

At the request of Life magazine, he wrote an article, which they refused to print, I do not know what it contained.

He was then offered a position by Trygve Lie in the United Nations as assistant secretary, which he declined.

He accepted a position as consultant to the Children's Fund.

He then wrote a book on economics, which is now in use as a textbook by freshman classes in our colleges. I do not think that qualifies him for the very intricate economic problems we are going to face.

Now coming down to his appointment, there are recurring and apparently well-founded rumors that this selection was not primarily that of the State Department, but of the President for reasons which the Senator from Iowa has mentioned, that it was primarily a political rather than a diplomatic selection. Naturally, that is a matter which the State Department will not discuss, but there are well-founded rumors that they viewed with a somewhat hesitant eye the selection of a person without diplomatic experience, who had never been in the Orient, for a position which is probably the most critical our country has to fill at the present time.

There are one or two other interesting items in his testimony which I am sure will have a rather curious reaction in the post to which he is going. We asked him before the committee what he conceived to be his function, what he should do. The Senator from Ohio has already referred to his attitude toward very greatly increasing the aid which we should extend. But one of the other items which he thought was of importance was the desire to improve the system of government in the country to which he goes—a very interesting conception of an ambassadorial function. As I recall, it was a diplomat from England who once undertook to contribute something to the improvement of our own Government by a suggestion as to the policies we should pursue, and he was given his papers of exit by a great Democratic President, Mr. Cleveland. But Mr. Bowles is going to improve things over in India. This is what he is going to do:

> I think, for instance—

He said—

> to say it is none of our business if Italy or France or some other country collects their taxes, it is no business of ours whether they have a sensible tax system or whether there is good administration, and that it is only up to us as a friendly nation to help them is ridiculous.

In other words, we should really show these countries how to conduct their governments.

> I think we have an obligation to see that they do a good job of administration, that they do an honest job, that their taxes are collected—

Please page the Internal Revenue Bureau of the present Democratic administration and see whether we are the ones to go over to India and tell them how to administer honestly their system of tax collections, when half of our internal-revenue collectors have already resigned under fire and several of them are under indictment and on the way to jail. I think our friends in India will probably have a sufficient sense of humor to appreciate the idea of Mr. Bowles

leaving behind him the wreck of this administration, in this country, in the Internal Revenue Bureau, so far as taxes are concerned, and going to India to tell the people there how to do an honest job in collecting taxes. Mr. Finnegan would be a better man, I think, to send to India to do that job if that is what is supposed to be done.

There was one other aspect of this matter concerning which, I think unintentionally, Mr. Bowles perhaps told a great truth. He was asked about the concept of how their economy could develop. He told the story of the Indian Socialist who came to this country and surveyed our system, and after he had looked it over for a while and had talked with a good many people, said, "I am confused." That was certainly a well-warranted conclusion as he looked at what was going on in this country. What does Mr. Bowles say:

> I think it would be part of my job to perhaps carry that confusion a little further and demonstrate we have something here that is dynamic.

I am afraid that that will be the result of Mr. Bowles' participation in the administration of the affairs of the office of Ambassador.

Somewhat more seriously, Mr. Bowles said that he thought he was in a position to explain our system. Whether or not he is a good man to expound our system is, I think, certainly a matter of some question. I cannot believe that anyone here will seriously contend that the economic ideology and theories with which Mr. Bowles has been identified are characteristic of the majority of the Members on either side of this aisle, or of the great people of this country, in either political party. When we send a man with what he conceives to be his missionary function to reform and reconstruct a great nation such as India, which for thousands of years has been living under conditions certainly of great difficulty, with the idea that by either the contribution of our money or the influencing of their internal governmental policies, he can reconstruct the situation, such action seems to me more nicely calculated to bring about the misunderstandings which have so tragically occurred in Europe.

Many of us on both sides of the aisle were present at the Interparliamentary Union meeting in Dublin a year ago, when we heard the representatives of India and other countries denounce us for the policies we were pursuing, which were called economic imperialism, in spite of the fact that all we have been doing since the war has been to give away billions of dollars of our money to try to help unfortunate people around the world. In the concept of those representatives of the Government of India we were simply economic imperialists, trying to impose some kind of system on them. Whether it be Mr. Bowles in the guise of instructor in economics, telling them how to govern their country, or whether to be Mr. Bowles in the guise of Santa Claus, giving them hundreds of millions of dollars—the figure he mentioned was $250,000,000 a year as a starter, which we should give them—in whichever function he appears, I greatly fear that the results will be most unfortunate in our relations with India and our influence in India, as well as in connection with the impressions which India forms with respect to us in America.

I do not stress the matter of consultation, although I think the Senator from New Jersey [Mr. SMITH] was entirely justified in urging a different attitude by the administration in the approach to the so-called consultative committees which have been created by the Committee on Foreign Relations to deal with the four areas into which the world has been divided. I believe that would be a far better way in which to achieve the coordination of approach in foreign policy which is absolutely vital if we are to carry on.

We had the word of the late Senator Vandenberg that he had never been consulted, except in one instance, so far as our Asiatic policy was concerned. That has been largely true with respect to all that has occurred since, in spite of the readiness of Senators on both sides of the aisle—and this is equally as true of the Democratic side of the aisle as it is of this side—to participate in such consultations with responsible authorities in the executive department. I believe that the only way in which coordination of approach can be achieved is through the competent committees of the Congress. Such coordination is absolutely vital if America is to pursue a continuity of policy which will command the respect of all the world.

The pending nomination is a glaring instance of what I have in mind, not because we were not consulted, but because the man who has been nominated has neither the diplomatic experience nor the knowledge of the Orient which would qualify him for one of the most delicate and difficult diplomatic posts to be found in the whole wide world today.

So I hope that Senators on both sides of the aisle will vote with an eye to what they conceive to be the best interests of the country, for whose welfare we are now so responsible.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Chester Bowles to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal?

Mr. SALTONSTALL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for the quorum call be vacated, and that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Chester Bowles to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal?

Mr. AIKEN. Mr. President, before voting on this nomination I should like to ask two or three questions.

First, was any charge made in the committee against Mr. Bowles' character?

Mr. BREWSTER. No.

Mr. AIKEN. Was there any charge against his loyalty or general level of intelligence?

Mr. BREWSTER. That question was not raised.

Mr. AIKEN. The question was not raised, as I understand.

To what extent will Mr. Bowles, if his nomination is confirmed as Ambassador to India, determine the policy of this country toward India and toward Asia in general?

Mr. BREWSTER. I think the answer to that question is that India, because of its remoteness and because of the peculiarly involved character of its problems, is probably more sensitive on that score than any other spot in the world. We shall be peculiarly dependent not only upon the information, but the advice of our representative at that post. We had previously sent there our most experienced diplomat, a man with 30 years' service, Mr. Loy Henderson. It was a matter of considerable concern that a man with such vast experience, who had been before the consultative committee only 2 months ago, was sent to a less important post.

Mr. AIKEN. Does the Senator know why Mr. Henderson was transferred? What reason was given for that?

Mr. BREWSTER. No reason was given except that he was sent to Iran, which, of course, is a very critical point now. But why he was selected for such a transfer I do not know. I indicated that this was understood to be a political appointment.

Mr. AIKEN. Mr. President, I should like to ask one or two further questions.

Did Mr. Bowles express any opinion on Asiatic policy, and particularly Indian policy, which might, perhaps, make trouble for the United States in the future?

Mr. BREWSTER. That is what I referred to in my statement. His concept of the duty of an Ambassador was to reform the tax system and assume responsibility for the administration of the economy, which was not calculated to be helpful.

Mr. AIKEN. Did he make the statement that the tax system of India ought to be reformed? So far as that goes, I understand that the tax systems of Italy, France, and several other countries could stand a little reforming. Possibly that is true of the tax system of the United States.

Mr. BREWSTER. He indicated that India certainly was in very sad need of reconstruction of its economic and political life, and that he hoped to contribute to that end. That, I think, is a most disturbing aspect.

Mr. AIKEN. And that led some members of the committee, did it not, to fear that Mr. Bowles might undertake to make over the internal affairs of India when he got there?

Mr. BREWSTER. That is correct.

Mr. AIKEN. One further question. We assume that whoever is named Ambassador to India will be a Democrat and a contributor to the Democratic campaign fund. In all probability he will be a Truman Democrat. Is there any assurance that if Mr. Bowles' nomination is not confirmed, someone not meeting those qualifications will be named to the post?

Mr. BREWSTER. I do not think we could get any assurance of that character. We can only pray. I do not think it is a very good argument for confirming the nomination of an unqualified man to say that we may get another unqualified man. I do not believe that we could have one considered who could be much less qualified on this particular angle than Mr. Bowles.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Chester Bowles to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senator from Virginia [Mr. BYRD] is absent because of illness in his family.

The Senator from Louisiana [Mr. ELLENDER] is absent because of a death in his family.

The Senator from Delaware [Mr. FREAR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Maryland [Mr. O'CONOR], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

The Senator from Virginia [Mr. BYRD] is paired on this vote with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Virginia would vote "nay," and the Senator from Louisiana would vote "yea."

The Senator from Minnesota [Mr. HUMPHREY] is paired on this vote with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Indiana would vote "nay."

The Senator from Oklahoma [Mr. KERR] is paired on this vote with the Senator from Illinois [Mr. DIRKSEN]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Illinois would vote "nay."

The Senator from Louisiana [Mr. LONG] is paired on this vote with the Senator from Wisconsin [Mr. MCCARTHY]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Wisconsin would vote "nay."

The Senator from Maryland [Mr. O'CONOR] is paired on this vote with the Senator from California [Mr. NIXON]. If present and voting the Senator from Maryland would vote "yea," and the Senator from California would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from California [Mr. NIXON], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Missouri [Mr. KEM] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Wisconsin [Mr. MCCARTHY] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Pennsylvania [Mr. DUFF] and the Senator from Vermont [Mr. FLANDERS] are detained on official business.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Indiana would vote "nay" and the Senator from Minnesota would vote "yea."

On this vote the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Oklahoma [Mr. KERR]. If present and voting, the Senator from Illinois would vote "nay" and the Senator from Oklahoma would vote "yea."

On this vote the Senator from Wisconsin [Mr. MCCARTHY] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Wisconsin would vote "nay" and the Senator from Louisiana would vote "yea."

On this vote the Senator from California [Mr. NIXON] is paired with the Senator from Maryland [Mr. O'CONOR]. If present and voting, the Senator from California would vote "nay" and the Senator from Maryland would vote "yea."

The result was announced—yeas 43, nays 33, as follows:

YEAS—43

Aiken	Holland	Moody
Benton	Hunt	Morse
Chavez	Johnson, Colo.	Murray
Clements	Johnson, Tex.	Neely
Connally	Johnston, S. C.	Pastore
Douglas	Kefauver	Robertson
Eastland	Kilgore	Russell
Fulbright	Langer	Smathers
George	Lehman	Smith, Maine
Gillette	Lodge	Smith, N. C.
Green	Magnuson	Sparkman
Hayden	Maybank	Stennis
Hennings	McFarland	Underwood
Hill	McMahon	
Hoey	Monroney	

NAYS—33

Bennett	Ecton	Mundt
Brewster	Ferguson	Saltonstall
Bricker	Hendrickson	Schoeppel
Bridges	Hickenlooper	Smith, N. J.
Butler, Md.	Ives	Taft
Butler, Nebr.	Jenner	Thye
Cain	Knowland	Watkins
Carlson	Malone	Welker
Case	Martin	Wiley
Cordon	McCarran	Williams
Dworshak	Millikin	Young

NOT VOTING—20

Anderson	Frear	McKellar
Byrd	Humphrey	Nixon
Capehart	Kem	O'Conor
Dirksen	Kerr	O'Mahoney
Duff	Long	Tobey
Ellender	McCarthy	Wherry
Flanders	McClellan	

So the nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President will be immediately notified of all nominations this day confirmed.

LEGISLATIVE SESSION

Mr. MCFARLAND. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

VISIT TO THIS COUNTRY OF MOHAMMED MOSSADEGH, PREMIER OF IRAN

Mr. CHAVEZ. Mr. President, of late much has been said about bettering the lot of so-called backward people. In the first place, if there are backward people in the world and the reasons for that status are investigated, it is generally found that they have been oppressed by colonialism and by so-called better-informed people taking advantage of them in the exploitation of their natural resources.

There is no reason whatsoever, under the proper form of government and with the proper development of her natural resources, why the people of Iran should not make headway in bettering their condition. It appears to me there is no reason, irrespective of the stern necessities of the past, why the colonialism of the English or what is left of the British Empire should continue to keep the people of Iran in a backward state.

Yesterday there arrived in this country of opportunity the Premier of Iran, Hon. Mohammed Mossadegh, who is to appear before the United Nations in an effort to protect the dignity of the Government of Iran and of the humanity that exists in Iran. It seems to me that all of us who believe in the philosophy of the Government of the United States of America should be happy about his visit. He probably stands in the same position Benjamin Franklin occupied at the time when he was in Europe fighting for the rights of the American Colonies.

Many a foreign visitor has been met with honors and with a word of welcome at the various airports and seaports of our country. I, for one, welcome Mohammed Mossadegh to this country in the hope and the confidence that right will prevail and that something will be done about helping the backward people of Iran.

ARMED SERVICES RECRUITMENT PROGRAMS

Mr. AIKEN. Mr. President, some 10 days ago when the appropriation bill for the armed services was before the Senate, I pointed out what I considered to be a very unnecessary expenditure on the part of the armed services, in putting on radio and television shows as a

part of recruitment programs. I made particular reference to the program The Shadow, which was put on by the armed services at considerable expense to the Government. I also referred to the sponsoring by the Treasury Department of Sammy Kaye's orchestra, which probably cost more than The Shadow was costing the armed services.

I am happy to report that now I have been informed that The Shadow has gone back into private industry, and may be heard regularly every week, selling some kind of hair tonic, although I do not know what particular variety.

I am also informed that at that time Sammy Kaye was contributing his services to the Treasury Department. He also has now secured a private contract, and started the new programs on October 7, I understand. However, I wish to give him credit for contributing his services during the time when he was not under private contract.

LEGISLATIVE PROGRAM

Mr. McFARLAND. Mr. President, I wish to announce that on account of there being so many conference committees working and so many subcommittees of the Appropriations Committee working, the Senate will recess from today until Thursday.

On Thursday we shall take up Senate bill 2233, Calendar 845, a bill to amend the Atomic Energy Act of 1946, as amended.

After that bill we hope to call the calendar of unobjected-to bills from the beginning, insofar as the distinguished Senator from New Jersey [Mr. HENDRICKSON] and the distinguished Senator from Kansas [Mr. SCHOEPPEL] are then prepared in connection with the calendar.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. SALTONSTALL. Eighty-four bills have been placed on the calendar during the past week. The Senator from Kansas and the Senator from New Jersey inform me that they will be ready to have the calendar called from the beginning, if it is clearly understood by the majority leader that the bills which they have not had time to investigate will simply go over, regardless of their merit, and so forth.

Mr. McFARLAND. Yes; I agree to that.

Mr. McCARRAN. Mr. President, does that mean the entire 84?

Mr. McFARLAND. No.

Mr. SALTONSTALL. No, it does not. I would say to the Senator from Nevada that we hope to be ready in the case of a great number of those bills. However, time is short, and the Senator from Nevada knows that 84 bills have been placed on the calendar since October 1.

Mr. McFARLAND. Mr. President, there is on the calendar another bill which, if objected to, I told the distinguished Senator from Nevada we would take up following the call of the calendar. It is House bill 4693, Calendar No. 727, amending the Bankruptcy Act.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. KEFAUVER. I do not see the distinguished Senator from West Virginia [Mr. NEELY] on the floor at this time. However, I understood that the majority leader was going to try to bring up before the recess or adjournment the home rule bill for the District of Columbia. Since no particular business is planned for tomorrow, I wonder whether it will be possible for that bill to be worked in tomorrow.

Mr. McFARLAND. We gave consideration to the home rule bill. We may be able to bring it up. However, it will take several days of debate. We are very anxious to dispose of the appropriation bills and the conference reports. Some of the bills on the agenda will have to go over, but I am still hopeful that the particular bill to which the Senator has referred will be one which will not have to go over. We may be able to take it up next week.

The Senator from South Carolina [Mr. JOHNSTON] is very much interested in the bill, and he tells me that he will be engaged in conferences on the pay bill all day tomorrow and will not be able to attend a session in the Senate Chamber at that time.

That is why we are planning to take a recess until Thursday in order to give the committees an opportunity to prepare and submit conference reports.

I should like to point out that at best there will be only 2 months between the end of this session and the beginning of the next one. In view of that fact not very much will be gained by considering a bill before January.

The House is making every possible effort, I am informed by the Speaker, to get all the appropriation bills through the House by the end of the week. If we make the same effort, on this side of the Capitol, it will not be many days until we can adjourn. However, we simply cannot keep on taking up bills and working on the floor without giving the conference committees an opportunity to work on the conference reports, and still expect to conclude the session.

Mr. SALTONSTALL. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. SALTONSTALL. The Senator from Arizona still is of the opinion, is he, that there is an opportunity to conclude the session before October ends?

Mr. McFARLAND. Well, Mr. President——

Mr. SALTONSTALL. Is he hopeful?

Mr. McFARLAND. I do not wish my friend to make me feel bad this evening in regard to when we are going to end the session. We are going to end it as soon as we can. I am going to work as hard as I can toward that objective; and I know that my good friend, the Senator from Massachusetts, will do the same. I hope we shall be able to adjourn quite a bit before November 1. Certainly we will adjourn as soon as we can. However, this evening I am not going to set any dates.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a further question?

Mr. McFARLAND. Yes.

Mr. SALTONSTALL. The Senator from Arizona has made a clear statement regarding the schedule for Wednesday and Thursday. In order that Senators may make some plans, if possible, for the week end, can the Senator from Arizona give us any idea of what may be done following Thursday?

Mr. McFARLAND. I am hopeful that on Friday there will be a number of conference reports which will be ready for consideration. If not, I shall make an announcement, possibly on Thursday.

Mr. SALTONSTALL. I thank the Senator.

AMENDMENT OF ATOMIC ENERGY ACT OF 1946

Mr. McFARLAND. Mr. President, in order to have the bill pending, I now move that the Senate proceed to the consideration of Senate bill 2233, Calendar No. 845, a bill to amend the Atomic Energy Act of 1946, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2233) to amend the Atomic Energy Act of 1946, as amended.

THE PRESIDENT'S ORDER RESTRICTING OFFICIAL INFORMATION

Mr. BRIDGES. Mr. President, on September 24, 1951, a Presidential Executive order was issued "establishing minimum standards for the classification, transmission, and handling by departments and agencies of the executive branch, of official information which requires safeguarding in the interests of the United States." This executive order extends military security regulations to all civilian agencies, and establishes machinery for the censorship and control of the American television, radio, periodicals, and press. It is a new and dangerous departure in American history. Accordingly, the following Republican Members of the United States Senate declare:

MANIFESTO

The American heritage of freedom is a product of vigorous, uncontrolled public discussion. Within the framework of laws which safeguard the rights of individuals, it has been the historic privilege and the sacred duty of Americans to criticize our Government. This power, in the hands of a free people, has prevented the accumulation of evil in government. The open forum of public debate has been, and will ever be, the greatest enemy of tyranny.

We are in the midst of a war. The emotional tensions caused by this conflict tend to restrain people from making objective criticisms of their Government.

Partisan politicians tend to attribute all fault-finding to depravity or disloyalty.

Freedom of speech means freedom of speech for all. It means freedom of speech for those who agree with the party in power. It means freedom of speech for people who disagree with those who hold the reins of government. The defects in government

are usually exposed by those who are critical. No single group of Americans has a monopoly on ideas or patriotism.

Any attempt to restrain the inherent right of an American to criticize his Government must be resisted by all freedom-loving persons.

There is evidence that some persons and groups in authority in our Government are unable to tolerate criticism. This is manifested by the smear tactics and propaganda techniques now being used to silence any opposition.

There is evidence that no man can criticize our Government today and escape intemperate reprisals.

This is an alarming situation. It cannot be ignored.

We, therefore, the undersigned, Members of the United States Senate, pledge to the American people that we shall fight to guarantee that, in the difficult days ahead, no man's voice will be silenced.

We shall vigorously resist any attempt to conceal facts from the American people.

We shall defend, to the utmost, the fundamental right of free, unlimited discussion of controversial questions of government.

We shall rally to the defense of any person against whom reprisals are directed as a result of the exercise of his constitutional right of freedom of speech.

The issue involved is paramount. The voice of the people must be heard.

(Signed:)

George D. Aiken	James P. Kem
Wallace F. Bennett	William F. Knowland
Owen Brewster	William Langer
John W. Bricker	Henry Cabot Lodge, Jr.
Styles Bridges	Joseph R. McCarthy
Hugh Butler	George W. Malone
John M. Butler	Edward Martin
Harry P. Cain	Wayne Morse
Homer E. Capehart	Karl E. Mundt
Frank Carlson	Richard M. Nixon
Francis Case	Leverett Saltonstall
Guy Cordon	Andrew F. Schoeppel
Everett M. Dirksen	H. Alexander Smith
James H. Duff	Margaret Chase Smith
Henry C. Dworshak	Robert A. Taft
Zales N. Ecton	Edward J. Thye
Homer Ferguson	Arthur V. Watkins
Ralph E. Flanders	Herman Welker
Robert C. Hendrickson	Kenneth S. Wherry
Bourke B. Hickenlooper	Alexander Wiley
Irving M. Ives	John J. Williams
William E. Jenner	Milton R. Young

RECESS TO THURSDAY

Mr. McFARLAND. Mr. President, I move that the Senate stand in recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 6 o'clock and 44 minutes p. m.) the Senate took a recess until Thursday, October 11, 1951, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate October 9 (legislative day of October 1), 1951:

UNDER SECRETARY OF THE AIR FORCE

Roswell L. Gilpatric, of New York, to be Under Secretary of the Department of the Air Force, vice John A. McCone, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9 (legislative day of October 1), 1951:

DIPLOMATIC AND FOREIGN SERVICE

Chester Bowles, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal.

DEPARTMENT OF JUSTICE

William Amory Underhill, of Florida, to be an Assistant Attorney General.

REJECTIONS

Executive nominations rejected by the Senate October 9 (legislative day of October 1), 1951:

UNITED STATES DISTRICT JUDGES

Joseph Jerome Drucker, to be United States district judge for the northern district of Illinois. (New position.)

Cornelius J. Harrington, to be United States district judge for the northern district of Illinois. (New position.)

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 9, 1951

The House met at 12 o'clock noon.

Rev. Charles F. Phillips, Francis Asbury Methodist Church, Washington, D. C., offered the following prayer.

O Thou Eternal Spirit, as a fitting prelude to the day, we pause to listen to the still small voice, remembering that it was said of old, "They that wait upon the Lord shall renew their strength."

Hear our prayer for a troubled world. Dispel the clouds of gloom that plague the hearts of men. Bring to naught all vicious schemes to thwart the ends of peace. Bless all sincere efforts in its behalf. Deliver us from fears, strengthen us with undiscourageable good will, and prompt to deeds of friendliness that changes foes to friends.

Hear the prayer of the world for security, a security that is real. Help us to see that ultimate security is found in righteousness and justice and brotherhood. "Not by might, nor by power, but by my spirit, saith the Lord."

Remember these good and able men who guide the destiny of the Nation. Give to them wisdom from on high, insight into the issues of these days, and the guidance that always comes to those who walk with God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Landers, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5504. An act to amend section 12 of the Federal-Aid Highway Act of 1950 to increase the amount available for the construction of access roads certified as essential to the national defense.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2231. An act to effect entry of a minor child adopted or to be adopted by a United States citizen.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5215. An act making supplemental appropriations for the fiscal year ending June 30, 1952, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCARRAN, Mr. O'MAHONEY, Mr. BRIDGES, Mr. FERGUSON, Mr. WHERRY, and Mr. CORDON to be the conferees on the part of the Senate.

CONFERENCE REPORTS OF CIVIL FUNCTIONS APPROPRIATION BILL (H. R. 4386) AND APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY (H. R. 4740)

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file conference reports on the bills (H. R. 4386) making appropriations for civil functions, and (H. R. 4740) making appropriations for the Departments of State, Justice, Commerce, and the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. AND MRS. LLOYD M. BENTSEN, JR.

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2231) to effect entry of a minor child adopted or to be adopted by a United States citizen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Tina Bentsen, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Lloyd M. Bentsen, Jr., citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL COLSON

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, last evening I attended a banquet given in honor of General and Mrs. Charles F. Colson, who has been the commanding officer at Fort Devens for several years, by the townspeople and others of the surrounding neighborhood. He and Mrs. Colson are immensely popular and have done many, many kindnesses for the service men and women, and for the State. General Colson has had $16,000,000 a year to expend

at Fort Devens in connection with that very large post, the reception center through which 100,000 men have passed, and out of that number only two went a. w. o. l., and those two were ill. That is a remarkable record. I think we do not express enough appreciation of our Army and our service officers. General Colson has supervision over a very wide area, in fact, he is manager of it with absolute authority. Today it is tremendously important to have men of fine character to hold their officers in line. It is said there are no poor privates if there are good officers. It is of such importance to have the soldiers well trained and well equipped for their own protection and for the protection of the United States.

General Colson has had a long and distinguished service in the Army. He is a great general and a great Christian.

Following is the program of the testimonial dinner:

AYER CIVIC DINNER—TESTIMONIAL TO BRIG. GEN. CHARLES F. COLSON, COMMANDANT, FORT DEVENS, TOWN HALL, AYER, MASS., OCOTOBER 8, 1951, 7 P. M.

PROGRAM

Invocation—Rev. Father William J. McCarthy, St. Mary's, Ayer
Honorable Joseph M. Markham, chairman, board of selectmen
Colonel Edward B. McCarthy, assistant commandant, Fort Devens
Honorable Lyman K. Clark, judge, first district court
John J. Long., Jr., chairman, Army area advisory commission
Honorable Edith Nourse Rogers, Congresswoman, Sixth District
Brigadier General Charles F. Colson, commandant, Fort Devens
Benediction—Rev. Hugh Penny
Federated Church, Ayer
Toastmaster—Richard J. O'Toole
Chairman of committee

"Life is to be fortified by many friendships. To love and be loved is the greatest happiness of existence." (Sydney Smith.)

"Welcome ever smiles, and farewell goes out sighing." (Shakespeare.)

MENU

Fruit cocktail, hot roast young turkey, sage dressing, brown gravy, cream mashed potato, green peas, cranberry sauce, sweet mixed pickles, assorted rolls, creamery butter, salad, banana fritters, cherry fruit sauce, cakes, assorted ices, coffee.

LET CANADA GO AHEAD AND BUILD THE ST. LAWRENCE SEAWAY

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, the old chestnut—the St. Lawrence seaway—is back with us again. Just like the proverbial cat—it has nine lives.

Let me read to you what the Chester, (Pa.) Times said editorially on October 3, 1951, concerning Canada's threat to build the St. Lawrence seaway:

LET CANADA GO AHEAD AND BUILD THE SEAWAY

Canada has offered to build the St. Lawrence seaway on its own, if the United States won't participate in the multi-billion-dollar project that would be closed to shipping at least 5 months of the year.

The House Public Works Committee shelved the St. Lawrence seaway proposal on July 26, but the President, bent on finding ways to spend more tax moneys, has been trying to force it through, on the excuse that it is needed for national defense. That's usually been a sure way to wangle an appropriation out of Congress.

If Canada is so anxious to have the seaway, we say let 'er build it. We're busy bolstering the economy of Canada's "Mother Country," Great Britain. Construction of the seaway by Canada could be a nice gesture in return.

CONSTITUTION OF THE UNITED STATES

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

AMENDMENT OF NATIONAL LABOR RELATIONS ACT

Mr. SABATH. Mr. Speaker, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1959) to amend the National Labor Relations Act, as amended, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by the direction of the Committee on Education and Labor, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Education and Labor may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, this rule makes in order the bill S. 1959. The purpose of the bill is to resolve problems arising from the recent Supreme Court decision regarding representation certificates. It dispenses with the requirement of existing law that an election must be held before a labor organization and an employer may enter into a union-shop agreement. I am pleased to say the great committee of the House, the Committee on Education and Labor, after careful consideration has approved the Senate bill as it passed the other body unanimously. There is general demand for this legislation, and I may say it is something unusual. This is one bill that will not cost the Government anything; in fact, it will very likely save the Government $1,000,000 a year or more by elimination of the unnecessary elections provided for in present law that have failed to aid the cause of labor and industry.

In view of the fact that the Committee on Education and Labor reported this bill almost unanimously, and the Committee on Rules acted without a dissenting voice in granting the rule, I shall not take up any more time. I see the chairman of the Committee on Education and Labor is here. May I say that it is indeed gratifying that that committee for once has brought in a bill by an almost unanimous vote. In view of that, we must concede that it is legislation in the right direction and will aid the administration; it will permit industry to work in harmony with labor, eliminating to a great extent, strikes and discord in these trying times.

Mr. Speaker, I ask unanimous consent that a letter I addressed to Mr. DiSalle, together with his answer thereto, be included in my remarks in the Appendix.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, I will reserve the balance of my time on the resolution, to which there cannot be any objection. Nevertheless, I shall yield 30 minutes to my colleague and fellow member on the Committee on Rules.

Mr. ELLSWORTH. Mr. Speaker, I yield to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Speaker, on January 22, 1951, I introduced H. R. 1870 to protect the bald eagle in the Territory of Alaska. I have urged the Committee on Merchant Marine and Fisheries to which the bill was referred to report the bill out so that it might be enacted into law without delay but the committee has failed to take action. I have appeared before the committee having jurisdiction over this legislation a number of times since a similar bill was first introduced by me in a previous Congress. In fact, my bill, H. R. 5507, passed the House in the Eighty-first Congress but for some unknown reason it was pigeon-holed in the Senate.

The bald eagle has been the symbol of America's greatness and ideals of freedom down through the years and is protected under Public Law 567, Seventy-sixth Congress, throughout all our land with the exception of the Territory of Alaska, where it is hunted down and killed and there is a bounty on its head. During the 5-year period from 1917 to 1921, 12,368 pairs of bald-eagle feet were delivered to the officials of Alaska for the 50-cent bounty. In 1923 the bounty was raised to a dollar, and in 1949,

though opposed by Governor Gruening, it was raised to $2. During the 18 years from 1923 to 1940 bounties were paid on 91,091 birds. The Territory of Alaska has paid a total of nearly $100,000 for the destruction of 103,459 eagles. This information was given in a report to the Fish and Wildlife service in 1941 and the slaughter of the bald eagle in Alaska still continues while the committees sleep and permit this legislation for the protection of this national symbol to be pigeon-holed. Where does the opposition to this worthy legislation come from? You may draw your own conclusions.

I include in this connection an interesting article entitled "The Bald Eagle With a Price on Its Head," by Irston R. Barnes which appeared in the Atlantic Naturalist, volume 7, No. 1, September-October 1951 issue:

THE BALD EAGLE WITH A PRICE ON ITS HEAD

(By Irston R. Barnes)

The bald eagle, since the Nation's beginnings, has been the symbol of our aspirations, of greatness promised and of greatness fulfilled. It was a fitting symbol of a vast and bounteous land, of majestic mountains and of limitless horizons of plains and encircling oceans.

The living symbol should have been honored, preserved, and protected. Yet the eagle has been hunted and persecuted, so that few adults and fewer children have thrilled to its soaring flight. In Alaska, it has been subjected to the final indignity of being stigmatized an outlaw with a bounty on its claws. If it disappears as a living species, the bald eagle will become for all times a symbol of our incapacity to safeguard our resources, of the failure of twentieth century America to preserve for succeeding generations the good earth and its creatures.

When our country was first settled, the bald eagle lived in virtually every State. Today a few scattered populations survive. In the States, the eagle is now represented by significant populations only in Florida and in the Chesapeake Bay region. In Florida the bird has been protected and encouraged, but its population is still shrinking as encroaching community growth eliminates nesting sites. It has been estimated that there are 350 pairs nesting in Florida, perhaps 150 pairs in Virginia, Maryland and Delaware. Scattered pairs are known in other States: probably not over 8 or 10 in Georgia and the Carolinas, 8 in New Jersey, a few in the Lake States, 3 in Pennsylvania, perhaps 20 pairs in Maine, and a small group on the Santa Barbara Islands off the coast of California. Over much of its former range the eagle has been extirpated.

The northern race of the bald eagle, slightly larger than the members of the southern race with which we are familiar, has two population centers—one in the maritime provinces of Canada, the other in Alaska and British Columbia. Only in Alaska has the the eagle survived in significantly large numbers.

The disappearance of the eagle over much of its former range emphasizes the fact that there are danger points beyond which a population may not be reduced if the species is to survive. Many factors combined to reduce the eagle population in the United States—the spread of urban populations with consequent destruction of nesting sites, industrialization and pollution of rivers, lumbering which has both destroyed nest sites and altered the flow of rivers, and, of course, the stupid persecution which the ignorant have directed against all predators.

The precarious position of our national symbol was recognized by the Congress in 1940 when Federal protection was extended to the eagle. However, to avoid delay in the enactment of that statute, arising from protests coming from Alaska and without any finding that the protection of the eagle in Alaska was not necessary and appropriate, the 1940 bill was amended to exempt Alaska. The introduction in the Eighty-first Congress of bills to amend the 1940 act extending protection to the eagle in Alaska was thus a matter of unfinished business. The original exemption seemed to carry no serious threat to the eagle in Alaska, but the reenactment of a bounty law in 1949 added an economic motive to the predatory propensities of those who shoot the bird and made Federal protection essential.

The history of the bounty in Alaska is significant, both in illustrating the unsound economics of bounties and in documenting the record of the destruction of the eagle in Alaska. From 1917 to 1940 Alaska offered a bounty on eagles at 50 cents a bird from 1917 to 1923 and at $1 after 1923. In 1941 the appropriation for the bounty was eliminated; none was provided in 1943; and in 1945 the law providing for a bounty on the eagle was rescinded. In 1949 the Alaska Legislature reenacted the bounty (the vote being 23 to 1 in the Alaska House and 12 to 3 in the Senate); Governor Gruening, although opposing the bounty, allowed the measure to become law without his signature. The bounty was fixed at $2.

The slaughter of the eagles under the stimulus of the bounty has been appalling. Ralph H. Imler's unpublished report to the Fish and Wildlife Service, Alaska Bald Eagle Studies, 1941, placed the destruction at 103,459 eagles from 1917 to 1940.

"The Territory of Alaska first paid bounty on bald eagles in 1917. During the 5 years, 1917–21, 12,368 pairs of feet were presented for the 50-cent fee. In 1923 the bounty was raised to $1 and more hunters became interested in killing eagles. During the 18 years from 1923 to 1940 bounties were paid on 91,091 birds. Thus the Territory has paid a total of nearly $100,000 for the destruction of 103,459 eagles." Statistics obtained on an annual basis from the Territory's treasurer's office are not wholly comparable, showing higher totals for the earlier years and having no figures for 2 years, 1933 and 1935.

Year	Disbursements	Bounty	Number of eagles
1917	$1,048.50	$0.50	2,097
1918	1,590.50	.50	3,181
1919	1,320.50	.50	2,641
1920	1,188.50	.50	2,377
1921	1,065.50	.50	2,131
1922	1,659.00	.50	3,318
Total	7,872.50		15,745
1923-24	2,498.00	1.00	2,498
1925-26	6,695.40	1.00	6,695
1927-28	1,630.00	1.00	1,630
1929	2,082.00	1.00	2,082
1930	8,196.00	1.00	8,196
1931	1,804.00	1.00	1,804
1932	4,999.25	1.00	4,999
1934	7,490.00	1.00	7,490
1936	13,009.25	1.00	13,009
1937-38	12,793.00	1.00	12,793
1939-40	2,500.00	1.00	2,500
Total	63,696.90		63,696
1949 to Feb. 15, 1950	14,910.00	2.00	7,455
Total	86,479.40		86,896

On the basis of the combined figures, the total kill appears to have been 114,291.

The eagle population cannot long survive such intensive persecution. The 50-cent bounty produced an average slaughter of 2,624 birds a year. A year (1949 to February 16, 1950) of the $2 bounty pushed the slaughter to 7,455.

For 4 months, May to August, in 1941, Mr. Imler traveled 4,880 miles along the waterways of southern Alaska. He made a census along 837 miles of shore line, counting 677 bald eagles, and average of 0.81 eagle per mile; a large census mileage on Admiralty Island yielded a figure of 0.89 eagle per mile. Perhaps a more accurate measure of ability to withstand persecution is the number of active nests; along much of the shore line about one to three occupied nests were found in an average 15-mile section.

Eagles are especially vulnerable to persecution. The reports of concentrations—12 in 180 yards on Admiralty Island, 32 in Keku Strait, thirty-plus at Anan Creek on July 11 (with a report of 100 seen the week before), 45 at Rodman Bay and Creek, Baranof Island—are indexes of vulnerability, not of abundance. Such concentrations, along shores accessible to gunners, of birds normally dispersed over wide areas, expose the eagle to devastating slaughter. Moreover, the eagle is a large bird; perching conspicuously on the tops of the Sitka spruces and other tall trees on the coast, they make striking pictures and easy targets. Their large nests are easily spotted, and birds on or near the nests are ready victims.

No conclusions as to the total Alaska eagle population can be drawn from the available figures. The concentration figures give a wholly false impression of abundance. Likewise, 0.81 times the shore line would be an unreliable figure; the northern coasts do not support as large a population as the southern coast where the study was made. Certainly it may not be assumed that there is a vast breeding population in the interior that can balance bounty persecution along the coasts. Eagles tend to be concentrated along the waterways; they are not spread over the whole interior. The counts were made when the birds were concentrated along the coast following the spawning runs of salmon. If for argument it be assumed that there are three nests, or six breeding birds, for every 15 miles of Alaska's 34,000 miles of shore line, the breeding population would be about 14,000 birds; if each pair succeeds in raising two young, an unwarrantedly high assumption, the coastal population would be 28,000 adults and young; and the annual kill based on the 1949–50 figures, becomes 25 percent.

How can the Territory of Alaska justify itself not only in opposing protection for the eagle but in branding it an outlaw with a bounty for its destruction? It is said that the eagle is a menace to the game and fish of Alaska which, if not kept in check, will seriously deplete the wildlife resources of the Territory. More specifically, it is asserted that as a predator the eagle lives on grouse, salmon, ptarmigan, rabbits, housecats, and fauns.

As a general answer, it should be understood that all studies of predation have established that under normal conditions no predator destroys, or even seriously depletes, the prey population on which it lives. The predator lives on whatever prey is most abundant and most easily captured; it harvests the surplus population. Predation is most severe when a multiplying prey species overcrowds its environment. The effects of predation on a prey population cannot be estimated by counting the kill of predators; if the surplus were not taken by the predator, the prey population would presumably be subject to even greater reduction in numbers through internecine fighting, disease, and starvation. The Malthusian law operates inexorably among wildlife populations.

A general answer is not enough in the case of the bald eagle. An examination of the specific counts in the indictment against the eagle is possible. In 1941, the Fish and Wildlife Service made a study of the economic relations of the bald eagle in Alaska, analyzing the stomachs of 304 birds. This is the only study on the basis of which the eagle's diet may be judged.

The eagle feeds largely on fish; 79 percent of its food was fish. Salmon constituted 23.8 percent, herring 3.5 percent, and 51.7 percent was fish of no economic significance. Unlike the osprey, which it enjoys hijacking, the bald eagle is more of a scavenger than a predator, and this is particularly true of its consumption of fish. Dr. Clarence Cottam, Assistant Director of the Fish and Wildlife Service, has stated that the great preponderance of salmon taken is carrion, for after spawning the adult salmon die and are cast upon the stream banks. In his considered opinion, only occasionally is a live salmon taken. However, salmon is of great economic importance to Alaska, and it is particularly noticeable that when the salmon enter the shallow waters of the streams to spawn they are vulnerable to predation by eagles, bears, and Indians as well as by white fishermen. However, in the course of his 1941 field investigation, Mr. Imler encountered only one instance in which an eagle may have been carrying a salmon that was not carrion. Eagles do take live fish; many sculpins, flounders, and gadids are taken alive by Alaskan eagles, but these are not commercially important fish.

The occasional live salmon that the eagle takes cannot possibly affect the salmon fisheries. Indeed, studies on the Alaskan rivers have revealed that large spawning runs do not necessarily result in large production of young and large returns several years later; on the contrary, large broods with good survival rates sometimes are produced by relatively small runs. Any actual or supposed reduction of the number of spawners by predation, therefore, has little, if any, effect on the salmon populations, compared with the effect of conditions that determine the survival of eggs and young. The rate of survival is often astonishingly low. On the Karluk River, the average number of young red salmon returning to the sea is less than 1 percent of the eggs laid, and 79 percent of this 1 percent is lost during their ocean existence. The average red salmon lays 3,700 eggs; perhaps 37 young fish reach the ocean; only 8 return to spawn. At Little Port Walter, the percentage of survival of young to eggs from 1941 to 1950 ranged from 0.2 to 6.4 percent, averaging 2.1 percent. The modern trend in fishery biology is to regard the number of spawning fish, above the required minimum, as less important than the conditions that the hatching eggs and small fry have to surmount before they return to the ocean.

Waterfowl constituted 15.5 percent of the food of the 304 eagles, with ducks amounting to 9.3 percent. The ducks were principally scoters taken along the coast, a duck so little prized by hunters that they are seldom picked up when shot. Ducks are important in the eagles' diet principally in the winter months.

Mammals were only 2.9 percent of the food of the eagles analyzed. Deer remains amounted to 1.1 percent of the stomach contents. But this consisted of carrion, not deer killed by the birds. No fox remains were found in the 304 eagle stomachs examined and no first-hand evidence of preying on foxes were encountered. Nevertheless, the fox farmers interviewed were unanimous in accusing eagles of preying on their stock. A letter to the House subcommittee from I. E. Williams of Juneau supplies one explanation of the allegation of eagle predatism on foxes. On the coastal island fox farms, multiplication and crowding lead to the outbreak of disease; the dead foxes scattered about the island attract eagles; each eagle shot by the farmer allows him to salvage a $2 bounty for his dead fox.

The fox farmers have adequate means for safeguarding their animals without shooting eagles. Some measure of protection could be had by cutting down the large nest trees on the islands where foxes are kept, thereby forcing the eagles to nest elsewhere. Even occasional depredations on foxes could be prevented by penning the fox pups. Penning would have important advantages for the fox farmer: it would cut the losses due to parasitic diseases, which often break out among crowded fox populations; and furs from penned foxes bring appreciably higher prices than furs from foxes which have been running free on the islands. In appraising the testimony of fox farmers against the eagle, it is well to remember that in Florida where the eagle is protected and encouraged, there are instances of eagles nesting in chickenyards with no records of their taking the chickens under their nests.

Exaggerated notions are still current regarding the size prey that an eagle can take. Tales of eagles carrying off babies are now universally recognized as pure fantasy. Equally fanciful are stories of eagles attacking sizable dogs, sheep, goats, and deer. An eagle will not attack anything it cannot carry off, and an eagle, weighing only 8 to 14 pounds, cannot lift more than its own weight.

The bounty can lead to the virtual extermination of the eagle along the Alaska coast. The reports of 50 to 100 eagles over the spawning grounds of salmon, of 45 birds in 6 miles in Prince William Sound, or of 12 birds in 180 yards underscore its vulnerability. The eagles concentrated by the abundance of carrion represent the population of vast areas. The slaughter along the coasts and streams can not only eliminate the resident population, which might otherwise be a real tourist attraction, but can also seriously deplete the interior population.

The economics of the bounty system explains the special interest nature of the law. Inasmuch as the eagle is not a harmful predator, the payment of "nearly a hundred thousand dollars for the destruction of 103,459 eagles" is actually a raid on the Territorial treasury. This point was made by Mr. Albert Day, director of the Fish and Wildlife Service, in a telegram quoted by Governor Gruening in a letter of March 21, 1949, to the speaker of the Alaska house: "Eagles in Alaska feed chiefly on carrion and predatism on game animals and fish limited. Bounty on eagles as provided Territorial house bill 77 not justified under present conditions. Such legislation if enacted will result in needless destruction of eagles and wasteful expenditure of Territorial funds. It should not be permitted to pass."

The bounty benefits a special segment of the population: The fox farmers, who bait eagles in with disease-killed fox carcasses; the fishermen, whose high-powered rifles shoot eagles out of the spruces around their anchorages; the trappers, who throw out skinned carcasses of trapped animals to lure the eagles down; the bounty hunters, who find easy pickings among the eagles that crowd in to feed on the salmon that die after spawning. The bounty is paid by the taxpayers who contribute to Alaskan revenues, and indirectly and more largely by all those who might have benefited commercially if more Alaskan wildlife survived to attract more tourist interest.

An analysis of why the legislation to protect the eagle in Alaska failed is revealing. The Grant-Angell bills (H. R. 5507 and H. R. 5629, 81st Cong.) were strongly endorsed by spokesmen for the leading wildlife and conservation organizations: American Museum of Natural History, National Audubon Society, Wildlife Management Institute, the Emergency Conservation Committee, National Forest Association, and the Wilderness Society. Some 30 letters supporting the legislation were received by the subcommittee from individuals and organizations, including the Isaac Walton League of America and various State and local Audubon societies.

Delegate BARTLETT, of Alaska, appeared in opposition to the bills, questioned witnesses, and introduced four letters opposing protection for the eagle. All revealed biological illiteracy and self-interest. Otis H. Speer, who obviously confused the bald eagle with the golden eagle, asserted in a letter to the Ketchikan Daily News that the bald eagle of Alaska is a "distinctive kind and different breed" from the national emblem. Emery F. Tobin identified himself as editor of the Alaska Sportsman. But the pooh-bah in the opposition was Harry T. Cowan, owner of Cowan's Sports and Clothing Center, president of Alaska Sports and Wildlife Club, and secretary-treasurer of the trappers unit. The final opponent identified was C. R. Snow, of Ketchikan. Obviously, these opinions and judgments are entitled to little weight. It would be clearly unfair to the majority of Alaskans to judge them in terms of their self-appointed wildlife experts.

The support for the bill marshaled eminent biological and conservation authorities. It was conclusively demonstrated that the bald eagle does no damage to salmon or to the fox-farming industries, that it is not significant in limiting game populations, that bounties accelerate the destruction of the Alaskan eagles, and that the eagle should be protected both as a symbol of independence and freedom, as a tourist attraction, and as a legitimate part of the Alaska fauna. How then did the legislation, having passed in the House of Representatives, fail to be reported out of the Senate Committee on Interstate and Foreign Commerce?

The answer seems to lie in the inconsistent and disturbing position taken officially by the Department of the Interior in a letter of March 29, 1950, to the chairman of the House Committee on Merchant Marine and Fisheries. William E. Warne, Acting Secretary, stated that the proposed legislation was unnecessary as the Department had authority under the Alaska Game Law of July 1, 1945, to adopt protection whenever it is determined that the bald eagle or any other species of wildlife needs the protection afforded by that law. And there is nothing of record to support his conclusion that although various bounty laws relating to the taking of bald eagles have been in effect in the Territory for many years, the effect of these laws on the population of the bird appears to have been largely negligible. * * * Thus, although this Department is opposed to any bounty law as such, it does not appear that there is any necessity at the present time to attempt to override by Federal regulations the Territorial legislature.

On June 8, 1951, a subcommittee of the House Committee on Merchant Marine and Fisheries held hearings in executive session on H. R. 1870, a bill to extend protection to the bald eagle in Alaska. Only two witnesses were present—Dr. Clarence Cottam and Donald J. Chaney of the Fish and Wildlife Service—in addition to Delegate BARTLETT. On this occasion, the Fish and Wildlife Service took a strong position in opposition to the bounty, but it did not advocate absolute protection for the eagle in Alaska, and it neither opposed nor supported the pending bill. The chairman of the subcommittee reported hundreds of letters in support of the legislation and one was read into the record in opposition.

At the hearing the subcommittee seemed reluctant to impose protection against the opposition of the people of Alaska, perhaps because the Federal Alaska game law could be invoked to protect the eagle if the Department of the Interior were convinced that such a step was essential. There seemed a disposition to compromise with nothing more than a warning to the Alaska Legislature that a failure to remove the bounty might lead to favorable action on the bill. But as the Alaska Legislature does not meet

until 1953, the eagle would be exposed to at least two more years of intense persecution.

All interested in the protection of endangered species are concerned to understand the position of the Department of the Interior. It is apparently compounded of diverse elements. The bounty is opposed; it is without justification. The eagle is considered to be fairly common in Alaska; it is not in immediate danger of being wiped out. Public opinion in Alaska is reported to be strongly adverse to granting protection to the eagle; enforcement would present serious difficulties for the available staff.

While respecting the good will and competence of the Department and its Fish and Wildlife Service, many conservationists and most Audubon members are compelled to question both the facts and the conclusions cited as reasons for not supporting protection for the Alaskan eagle. The considerations in support of protection warrant immediate enactment of a Federal protective statute:

1. There is virtually universal agreement that the bounty is unjustified. The Department is opposed to any bounty law as such. Mr. Day, Director of the Fish and Wildlife Service, has stated to Governor Gruening that the bounty would result in needless destruction of eagles and wasteful expenditure of Territorial funds. Dr. Clarence Cottam's testimony on the food habits of the eagle demonstrated that there is no economic basis for the persecution of the eagle. Dr. Ira N. Gabrielson, the respected former Director of the Fish and Wildlife Service and president of the Wildlife Management Institute, gave unqualified support to Federal legislation protecting the eagle, and cited the bounty—which gives bounty hunters an excuse to be in the field at all times of the year with a gun, thus increasing the illegal kill of other game species and leading to violations of other conservation regulations—as an added reason for mandatory protection. The enactment of the Federal law would not effect a repeal of the Alaska bounty law, but collection of a bounty would be evidence of having killed an eagle. A few convictions with $500 fines would soon make the $2 bounty seem poor business.

2. There was no competent evidence presented at the hearings that the eagle could survive in the coastal area under the accelerated bounty slaughter of recent years. All the competent authority that spoke to the issue took the position that Federal regulation is needed. No comparative studies have been presented to justify the statement by Mr. Warne, Acting Secretary of the Interior, that "the effect * * * on the population of the bird appears to have been largely negligible." A contrary conclusion finds more support.

3. Alaskan opposition to protection for the eagle has been exaggerated and accorded far too much weight. At the time of the June 8 hearing, only one Alaskan had written in opposition to the present bill; only four wrote in opposition to the earlier bill. Surely there is no justification for shaping public policy to the selfish interests of those who sell guns and ammunition or of the bounty hunters. Equally there is no warrant for deferring to those who erroneously think that the eagle is a menace to fox farming, salmon fisheries, and wildlife generally; deference to their mistaken beliefs only confirms them in their errors. Indeed, enactment of the bill could be the beginning of a more adequate public understanding of the rightful place of the eagle among Alaskan wildlife. It need not be feared that with "absolute protection" the eagle would multiply to the point of becoming a menace to fisheries and wildlife.

4. The "State's right" argument against the protection of wildlife is out of step with the times, as well as being misplaced in its application to a Territory operating under a federally enacted game law. Wildlife, especially birds, are the exclusive property of no one region. The Migratory Bird Treaties have aligned sovereign nations in conventions to protect migrating birds. The Migratory Bird Treaty Act extends Federal protection in this country regardless of what action the States may take. Similarly, there was no question of separate State's rights when the 1940 Bald Eagle Act was passed. It was difficult to understand the logic of the Alaskan exemption in 1940; it is more difficult to understand it since the restoration of the bounty on eagles in 1949.

Charles L. Broley, who is as intimately acquainted with bald eagles as anyone who has studied them, has suggested that the eagle should be brought under the protection of the Migratory Bird Treaty Act. As a retired Canadian banker wintering in Florida, he has during the past 12 years climbed to nests more than 800 times and banded some 1,200 birds. Recoveries of his banded birds have shown that Florida eagles after nesting early disperse to the north during the summer, even reaching into Canada. He is convinced that the eagles along the Alaska coast move south along the British Columbia coast during the winter and he asserts that Canada has a legitimate interest in the eagles being shot in Alaska.

The present Congress should consider and enact a law amending the Act for the Protection of the Bald Eagle of June 8, 1940, extending mandatory protection to Alaska. The measure should not be tabled with a warning to the Alaska legislature that the bounty should be repealed. The act should be passed even if the bounty law is rescinded. Public hearings on the measure should be held. And all conservation and wildlife organizations should assume responsibility for securing a full record with a proper interpretation and evaluation of the technical evidence. The protection of the bald eagle in Alaska is long overdue.

Mr. ELLSWORTH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I concur in the statements made by the chairman of the Committee on Rules, the gentleman from Illinois [Mr. SABATH] concerning the pending rule. The rule makes in order consideration of the bill, which I believe has had nearly the unanimous approval of the Committee on Education and Labor. The purposes of the bill are two. First, to resolve certain problems arising from Supreme Court decisions, and, second, to dispense with the requirement in the existing law that an election be held before a labor organization or an employer can make a union-shop agreement. I am informed there is virtually no objection on the part of either labor or management to the bill. There certainly should be no objection to the rule, which makes in order the consideration of the bill which has already been passed by the other body.

Mr. Speaker, I have no further requests for time on my side, and reserve the balance of my time.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I rise in opposition to the rule. There is no reason why any legislation of this type should be brought on this floor under a closed rule. We are coming in here with an amendment to the Taft-Hartley Act, S. 1959, introduced by Senator TAFT in the other body, and requesting the House to go along with the closed rule. It has been stated here today that S. 1959 passed unanimously in committee. When this bill was reported out of committee it was reported out without hearings with a bare majority present—13 members.

I would like to have the opportunity to offer a substitute to repeal the Taft-Hartley Act, and other Members of this body, I am sure, would like to have the opportunity to offer amendments to this particular bill.

By adopting a rule of this kind we are setting up a procedure where it will be more difficult to repeal the Taft-Hartley Act. There are vicious provisions in that law, numerous provisions that are very oppressive to labor. In fact, the law in its present form is unworkable and the Members of this body should not be denied the opportunity of offering amendments and making corrections they think proper. The way we are proceeding here today, if this rule is adopted, in my opinion, will severely cripple our chances of repealing the Taft-Hartley law in the future.

I realize I am speaking out here today as a lonely voice in the wilderness. I know that the machinery is well greased and that the rule will be adopted, but here is what we are doing: We are getting ourselves in a position where we are going to a gentleman in the other body, the author of the Taft-Hartley law, and to his friends, calling upon them for relief, when we find situations that are oppressive in this act, and there are 50 or more oppressive and unworkable sections in the Taft-Hartley law.

Mr. Speaker, I am against this procedure. I feel that legislation of this type should not come to the floor of the House under a closed rule.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. BARDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1959) to amend the National Labor Relations Act, as amended, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. BARDEN].

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1959, with Mr. EVINS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BARDEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I take this opportunity to correct the RECORD to some extent. The gentleman from Kentucky just remarked about the committee meetings. I want to assure the House that every Member of the committee knew exactly what was coming up, and every member of the committee had ample time to discuss the bill. When the committee assembled it was not a unanimous vote, as the gentleman from Illinois indicated

awhile ago. I did not make the statement; he did. There were two votes of "present," one of which since has changed to a vote of "aye" and there were two votes recorded against it.

I only make this statement, Mr. Chairman, to assure the House that we are not having any squabbles or fights in the committee, and there is no question about getting 13 members there to do a particular job. I never ask why a person is absent from the committee, but the committee functions and every member of the committee, including the gentleman from Kentucky, does a good job. We work together.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. WIER].

Mr. McCONNELL. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I rise in support of Senate bill 1959. As amended and passed by the other body, the bill is a simple one. It validates certain labor contracts signed between employers and the A. F. of L. and CIO unions during the period after the passage of the Taft-Hartley law, when there was so much controversy about the signing of the non-Communist affidavits by the top officers of those two major organizations, and the date when they actually complied with the requirement. As you will recall, there was a time following the passage of the Taft-Hartley law when the NLRB held the opinon that only local unions involved in contracts with employers would have to sign the non-Communist affidavit, and they so held. Later, to be exact, in May of 1951, this year, the Supreme Court held in the Highland Park Manufacturing Co. case that the top officers of the national and international unions, the A. F. of L. and the CIO would also have to be in compliance with the Taft-Hartley law by signing the non-Communist affidavit in order that contracts be valid when the facilities of the NLRB were used. That decision cast a grave doubt over the validity of representation certificates and union-shop authorization certificates issued by the Board prior to the date when the CIO and AFL officers complied with provisions of 9 (f) (g) and (h) of the Taft-Hartley law.

The dissenting opinion in a recent decision of the NLRB on July 11, 1951, stated that the remedy lies with Congress, and not with the Board. He expressed the opinion that only by action of Congress could the contracting parties rely upon union-security agreements after the May 1951 Supreme Court decision. I am in accord with that viewpoint and it is for that reason that I support the pending bill.

Not only does this bill validate certain contracts involving union-shop elections but it also does what many of us tried to do under the Wood bill, that is, do away with the requirement or necessity of a union-shop election prior to the time when the labor representatives and employers could sign union-shop agreements. As you probably realize those union-shop elections have been won overwhelmingly by the unions and the general reaction or feeling is, why put the Government and the various boards to the administrative trouble and expense of holding the elections when they are usually one-sided anyhow? For that reason I am quite in accord with the provision eliminating the necessity for a union-shop election prior to the negotiation of a union-shop contract.

In substance this covers what the bill does. I know that there is some opposition to it by certain groups and I imagine they will speak for themselves or those in Congress who represent their viewpoint will probably disclose that fact to you later. But it seems to me that an argument to the effect that unless we repeal the entire Taft-Hartley Act no changes should be made, even when in line with what labor organizations wish, is somewhat fallacious. We heard that same argument when we brought forth the Wood bill. At that time we agreed to 20 changes in the Taft-Hartley law, all in line with the wishes of the various leaders of labor organizations in this country. This is one of the amendments we agreed to at that time, namely, doing away with the union-shop-election requirement. It is quite aside from the point and not a sound argument, in my opinion, to say that because we are not repealing the Taft-Hartley Act we should vote for no changes, even though they might be in line with what labor organizations wish.

Mr. VELDE. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Illinois.

Mr. VELDE. At the time this came before the committee the gentleman will notice that I voted present because I was not quite familiar with the contents of the bill and how it would affect enforcement of the Taft-Hartley Act. I was afraid at that time this bill would be a means of getting around the requirement that union officials file non-Communist affidavits. However, I now concur in the statements made by the distinguished chairman of the Committee on Labor and those made by the ranking minority member of that committee regarding this bill and I shall support it wholeheartedly.

Mr. McCONNELL. I thank the gentleman.

Mr. BARDEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I appreciate the remarks of my friend, the gentleman from Illinois. I want to report that our committee is getting along fine. I have never seen a group of men cooperate any more nicely, or work together any better. So far, I think only about one bill has come out with a split vote. I hope the dove of peace continues to hover over our committee.

Mr. Chairman, this bill (S. 1959) came to us from the Senate. It passed the Senate by unanimous consent. The Committee on Education and Labor, after considerable study by the members, including the chairman, approved the bill and reported it to the House.

There are only two things covered by this bill. Both of them are time saving and money saving. Neither of them is opposed on the ground that it is not wise. There is some opposition to any amendment to the Taft-Hartley Act, as some of you are aware, but these happen to be two amendments that have not stirred up any opposition as to their merits.

One relates to the closed shop. The experience of the Labor Relations Board and labor organizations and management is that under the present arrangement the compulsory election for closed shop was not workable and did not prove to be of any benefit to either side, but, as a matter of fact, was more or less of a nuisance. They are safeguarded in that when 30 percent of them want an election they can call it; but at the present time it is compulsory to hold the election.

The other item was by far the most important and certainly a rather expensive proposition. A considerable period of time elapsed between the passage of the Taft-Hartley Act and the time when the two major labor organizations, the A. F. of L. and the CIO, signed the non-Communist affidavits. Many contracts were made by these organizations with management. The contracts were and are agreeable. The work is going on. There is no question of trouble about the contracts. Then, the Highland Park Co. case went to the Supreme Court, and the Supreme Court decided that any of those contracts signed prior to the signing of the non-Communist affidavit, as required in the Taft-Hartley Act, were not good, and it would be necessary to hold other elections. According to the report from the National Labor Relations Board, that would cause some 4,700 elections to be held unless this corrective legislation is passed. About 4,700 on that particular proposition. It is estimated that the actual bedrock cost of holding these elections would be somewhere close to a million dollars.

The CHAIRMAN. The gentleman from North Carolina [Mr. BARDEN] has consumed 5 minutes.

Mr. BARDEN. Mr. Chairman, I yield myself five additional minutes.

In addition to that cost there would be necessary legal expenses, and so forth, to the extent that they can see an expense of probably in excess of a million dollars in holding elections that the unions can see no need to hold, and management can see no need to hold, and no good to come from them. On the other hand, it very likely would encourage one union through its enthusiasm probably to invade another, and the other doing likewise with them, with the employer caught in between the two rocks, certainly that would not be very good for either party or the public. So this piece of legislation comes to you with a justification from both sides; and, so far as I have been able to learn, it comes without any question as to its merit or as to the necessity and wisdom of passing it.

I hope the House will adopt the bill. I do not believe there will be any lengthy debate, but if there are any questions concerning the legislation I am sure either the gentleman from Pennsylvania [Mr. McCONNELL] or myself will attempt to answer.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. MORANO. I have had some correspondence with regard to another bill, S. 1973. Can the gentleman tell me what that bill provides and if it is going to be reported by your committee?

Mr. BARDEN. I am not familiar with the bill by number. If the gentleman from Pennsylvania [Mr. MCCONNELL] knows about it I would be pleased to have him answer.

Mr. MCCONNELL. That bill is still over in the Senate committee; it has not been reported out of the Senate committee yet. No companion bill has been introduced in the House. That changes the 30-day requirement for joining a union under the union shop and also does away with the union-security-election requirement.

Mr. MORANO. I thank the gentleman.

Mr. WIER. Mr. Chairman, in spite of some of the statements that have been made here this morning, particularly the statement of the chairman of the Commitee on Rules who presented the resolution for the Rules Commitee, that all of labor was supporting and behind this bill, I say to you that that is not true. I for one as a member of the American Federation of Labor over a long period of time am taking the floor now to oppose this amendment to the National Labor Relations Act.

The way in which this legislation is before us today is unusual. It is here because of many, many mistakes and errors that were made in the original passage of the Taft-Hartley Act. We are here today considering two amendments to that infamous piece of legislation.

In the closing days of the Eighty-first Congress one of the authors of this piece of legislation by admission and by introduction of amendments in the other body found that there was necessity for about 30 changes in the language and in the various sections of the Taft-Hartley Act. That bill came to the House committee too late to be processed. As has been said here today, a majority in the House in the closing days of the Eighty-first Congress also agreed that in the experience that had been had under the provisions of the Taft-Hartley Act in the short period of less than a year they had found grounds, need, and necessity for at least supporting and endorsing 22 changes here on the House floor in this piece of legislation.

This bill comes here today in a very unusual proceeding. It so happens, as has been said by the committee minority and majority leaders, that as the result of confusion in the original passage of the law there was a feeling predominant around the country, subscribed to by some of the officers of the National Labor Relations Board, that the language of the Taft-Hartley Act insofar as it applied to the officials of labor unions having to take the oath of anticommunism was limited or confined in general to the officers of the local union involved in the particular controversy or the particular contract. That was later cleared up by a decision of the National Labor Relations Board that spread it to the next echelon of labor. Later they then interpreted the law to mean that all of the international representatives of that local union likewise had to subscribe to that oath.

Again later the question arose, because of the position of John L. Lewis, as to whether the top echelon with which a labor organization might be affiliated also had to subscribe to the anti-Communist affidavit. Again a decision was made later that that was a necessity; that any affiliation up and down the line of an official of that affiliated local union was also a party to this anti-Communist affidavit. That brought on this lawsuit. I think most of you are aware of the fact that John L. Lewis has not signed that oath to this day. It is also true that Mr. Murray, the president of the CIO, was reluctant and hesitant about signing it because of his dislike for it, and he withheld his signature for some time. It is also true that in the American Federation of Labor there were some international unions that did feel they were bound by this particular oath, and they also withheld subscribing to this particular oath. That meant when this Court decision was made with that interpretation a number of international unions, having local unions as well as their own international, found themselves with a very perplexing problem on the basis of that Supreme Court decision. Where they had not signed the Communist affidavits in accordance with the law, all contracts under that international union and its affiliates became null and void. The result of that was the bringing into being this piece of legislation. It so happens that a few of these international representatives and some few members of affiliated locals, finding themselves perhaps up against a raiding fight, where the contract became void, both unions could start a campaign to win the representation in that plant. So they appealed to a Member of the other body, who was joined by another Member of that body, in the introduction of this legislation to overcome this difficulty.

There were no hearings held, I might say, in the other body, either. No hearings were held in either body on this legislation. So we do not get a test of the proponents and the opponents here. This bill passed under the most extraordinary and most unusual circumstances in the other body, primarily perhaps because of the two authors. It passed by unanimous consent. There were no hearings on this legislation. I am sure as a member of the Committee on Education and Labor of the House that there have been no hearings on this. We are just following the same policy. It is true, as the chairman of the committee says, that a meeting was called. I was notified; however, I had some important business to try to get some money for my dear, beloved State of Minnesota out of this $80,000,000,000 that the Government is spending. So I was at the Pentagon, which was known to the chairman. No hearings have been held in either body as to whether this is a unanimous decision of labor or whether there is opposition to it. I want to say to you that, speaking at the Minnesota State Federation of Labor convention in Duluth last Monday, I found in my remarks that the great majority of the delegation at that convention are opposed to this action. I have no quarrel, and I am not going to quarrel, with these unions who find themselves in trouble at this time. I sympathize with those unions that find themselves in this predicament, but again I say that is all the result of mistakes and errors of judgment, and the haste with which the Taft-Hartley Act was originally passed.

I have the bill here which was passed by the other body. One of the authors of this bill in the other body has readily agreed to and subscribes to amendments to the number of 32, which he is willing to support. So, I will accept that as the number of grave errors that he confesses to in the Taft-Hartely Act. Some of you can say "Well, listen WEIR, what is wrong with the Taft-Hartley Act?" I have been listening to that for 2 years. What is wrong with it? I will tell you what is wrong with it. It is another piece of legislation which was passed in a state of hysteria by the Congress because at that time I am fully cognizant of the fact that we had some rather disturbing labor disputes. It was concocted by the opposition of labor, the national manufacturers and the open shop proponents in this Nation, who brought it in. That was testified to, and subscribed to, by some of the lobbyists that we had before the Committee on Education and Labor of the House. We know who the authors of the bill are. We know who got paid to draw it and prepare it and present it.

Now, when you ask me what is wrong with this bill, it just so happens that perhaps the argument of today will not fit the argument tomorrow if the Taft-Hartley Act is to remain on the statute books. It so happens that I am a member of the labor committee that visited south of the Mason and Dixon's line. One of our jobs was a number of labor disputes down South. We had extensive hearings.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. WEIR] has again expired.

Mr. WEIR. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

Mr. BARDEN. Mr. Chairman, the chairman does not intend to use much time, but there are others who would like some time. I yield the gentleman one additional minute.

Mr. WIER. I will close by saying this: that I stand here today, as I will stand here from now on, opposing this kind of legislation.

Mr. BREHM. Mr. Chairman, will the gentleman yield?

Mr. WIER. I yield to the gentleman from Ohio.

Mr. BREHM. The gentleman will recall that a joint nonpartisan committee of the House and Senate Labor Com-

mittees was appointed to study and observe the workings of the Taft-Hartley Act.

Mr. WIER. Yes.

Mr. BREHM. And then they were to come back with recommendations as to changes which were anticipated would improve the act. Does the gentleman know if this present proposed legislation is one of those changes recommended by that joint committee?

Mr. WIER. No. I disagree with the gentleman.

Mr. BREHM. Well the gentleman will recall that such a committee was appointed?

Mr. WIER. I must disagree with you. There has been no such committee appointed from the Labor and Education Committee of the House.

Mr. BREHM. I beg your pardon. You must have misunderstood me. There was a joint committee of 14 members, seven each from both the Senate and House Labor Committees who were to make recommendations. This committee was set up in accordance with section 401 of Public Law 101—Eightieth Congress—and they recommended some 20 or more changes designed to improve the act. Their report is No. 986, second session of the Eightieth Congress. My question was whether or not this bill is in keeping with one of their recommendations. I rather think it is.

Mr. WIER. I hope the House will defeat this bill. I intend to vote against it, and I am going to ask for a roll call.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McCONNELL. Mr. Chairman, I have no further requests for time on this side.

Mr. BARDEN. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I have asked for this three minutes for the purpose of telling some gentlemen on the Committee on Education and Labor what I think of the high-handed tactics back of this legislation. This is legislative process at the worst.

First of all, there was no occasion for the request for a closed rule on this legislation. Whenever you have a closed rule there is always some objective back of it. That is, of course, to deprive Members of the House of an opportunity to offer amendments to improve the legislation or to consider other amendments. I do not like the collusion between the membership of our committee which resulted in reporting out this resolution. There has been some talk by different members of the committee about what happened in the committee. There were just 13 of the 25 members of the committee present. The chairman claimed that two of them voted present and two of them voted "No." That means that this legislation was reported out by nine members of the Committee on Education and Labor, if the gentleman's statement is correct, and I have no doubt but that it is correct.

The objective of this legislation is to defeat the labor movement. Anybody who gets up here, like the chairman of the Rules Committee, who forgot that he promised me some time to speak against the rule, and makes the statement that all groups of labor are in favor of this legislation, is not stating the fact. That is a misstatement of facts, and it is not true. I represent a district that has various kinds of labor groups in it. The major labor groups in my district are the United Mine Workers, and they are opposed to the bill. To say that the American Federation of Labor is for this legislation, only 2 weeks ago in their San Francisco convention, they went on record demanding outright repeal of the Taft-Hartley Act.

The gentleman knows that the CIO favors repeal of the Taft-Hartley law; only some groups within the two organizations are back of this legislation.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. LANHAM. Is that the only reason they object to this legislation? Because they do not want to improve the act but want to repeal it?

Mr. BAILEY. If the gentleman wants my answer, I am opposed to putting a new patch on a garment that was made out of rotten cloth in the first place; that is my answer.

Mr. LANHAM. I voted against the Taft-Hartley Act myself because I thought it was too oppressive and too strong at the time; but it seems to me that if we can improve it we ought to do so. I think there is very little chance of ever repealing it—as a matter of fact I do not favor its repeal but its perfection and interested to know if that is the only objection the labor unions have to this legislation. I cannot agree with the distinguished gentleman from West Virginia that it—the Taft-Hartley law—is made out of rotten cloth. It is not a perfect labor relations act, neither is it the slave labor law it has been called. By amendments like this it can be made a good law.

Mr. BAILEY. May I say to the committee that at this time what we need most in America is unity, and that means unity among labor as well as other segments of our society. This legislation approaches the same situation that you had when you considered the original Taft-Hartley law. The objective of the legislation is to destroy the labor movement by creating dissension among the various labor groups of the country. I am opposed to it and I would oppose the rule had I been on the floor. I am sure the chairman of my committee knows that no later than this morning at the time our own committee met I asked him for time to speak against the rule. I thought I had made arrangements with the chairman of the committee, but apparently I had not.

I shall offer a motion to recommit this legislation at the proper time.

Mr. BARDEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am sure my friend from West Virginia realizes that I have no control over the chairman of the Committee on Rules who handled the rule, and I, of course, could not yield him any time that belonged to someone else.

As to the action of the committee, we had 3 proxies, which made 16; otherwise the gentleman's statement is correct; but I am sure he will strike out those words indicating some connivance when he corrects his remarks because every member of the committee was well informed.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I want to place myself on record in opposition to the closed rule. I do not believe this is the type of legislation that lends itself to fair consideration under that kind of rule. The Congress should not adopt the principle of closed rules for labor-management legislation. Where human rights are involved, we in Congress should be careful to debate the questions fully and without arbitrary procedures in order to legislate wisely and justly.

I do not believe this legislation goes far enough, but as the few steps in this bill are steps, even though short, toward more fair labor-management legislation, I will support the bill and vote for it. I urge the Education and Labor Committee to give prior consideration to relieving the inequities in the present Taft-Hartley law. Labor and management are doing a fine job in cooperating for the national defense, and we in Congress should see that this voluntary cooperation is encouraged.

Mr. McCONNELL. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, having the utmost confidence in the members of the committee which reported the bill, this is a rather embarrassing situation for me. I just do not understand what section 18 means, that is as to whether this amendment goes far enough to permit collective bargaining if the union's officers still refuse to sign the anti-Communist affidavit required by the Taft-Hartley Act as a condition to collective bargaining. May I ask whether that is still necessary, or does the amendment just wipe out the old requirement?

Mr. McCONNELL. This validates certain contracts signed by the CIO and the A. F. of L. after the signing of the Taft-Hartley bill and before the top officers signed the non-Communist affidavit they were required to sign. They are now in compliance with the act and any contract made now would be valid.

Mr. HOFFMAN of Michigan. They will be required to sign the affidavit in the future before new contracts are made?

Mr. McCONNELL. They will be required to sign the non-Communist affidavit; that is true.

Mr. HOFFMAN of Michigan. Then as I understand the other section of the bill it is that union officials may without an election, without the approval of the union members go ahead and agree upon what you call a union shop—which in fact is a closed shop contract—with a 30-day withdrawal clause.

Mr. McCONNELL. That is right.

Mr. HOFFMAN of Michigan. Of course, that again is a closed shop, with the exception of the 30-day probation period. This amendment will save a considerable amount of money in that it will do away with elections, and I suppose the argument is, is it not, that the elections have always resulted in favor of the position taken by the union officials?

Mr. McCONNELL. Overwhelmingly.

Mr. HOFFMAN of Michigan. But there is also a question of principle involved. Is the Congress now saying to all the workers of America, to all those who must get their livelihood through their daily toil—I notice the clerical workers in the union are on strike now, according to the papers—or to everyone who wants to work, that in addition to paying taxes to the Federal, State and local governments, he must also before he can go to work pay an initiation fee and then such additional dues and special assessments as may be levied by the union officials or by the executive officers of the national union with which his local union is affiliated. You are short-cutting the procedure and as may sometimes happen, it may be not very often though, if you get a crooked employer and a crooked union official, the two of them acting together just can sell the poor worker right down the river, and if they wish—out of his job. I do not see how or why the House or the Congress should declare that in order that a man may work he must join a designated organization and pay whatever fee or fees may be levied by either the local, the international or the officers of either. I am a Lutheran. Maybe if I followed through the theory back of this legislation I might make all workers join the Lutheran Church, become a member of our church, pay an initiation fee and pay so much every Sunday. I do not think that is right.

Ever since the Lord drove Adam and Eve out of the garden the average woman and man had to work, at least a little if he would eat. This administration has made it difficult to meet the taxes imposed by existing tax agencies and to now add to those existing and exacting agencies another which can impose a tax, compel its payment, before a man is permitted to work on even a defense job while his son is drafted to fight abroad is unjust. Much as I would like to curry favor with the labor bosses I cannot take this one. I might add that Republican politicians, if any there be, who seek that vote will not get it, Truman and his slick advisers have whatever of it that can be delivered, already "in the bag."

Mr. SPRINGER. Mr. Chairman, S. 1959, an act to amend the National Labor Relations Act which was passed in the other body on October 1, 1951, should receive the approval of this body. Here is an instance where an amendment to the act is constructively in the interests of the public, labor, and the Federal Government.

This amendment has my support for these reasons:

First. In May of this year the Supreme Court held that the CIO and the A. F. of L. are national or international labor organizations within the meaning of—subsection H—section 9 of the NLRA. The enactment of S. 1959 will achieve certain economies of more than a million dollars. It has been estimated that to repeat the elections necessary under the decision of the Supreme Court would involve polling 2,000,000 union people at a cost of $850,000. Investigation and litigation would cost an additional $200,000.

Second. These elections have placed a heavy burden on the National Labor Relations Board and have almost always resulted in a situation favoring the union shop. If we can eliminate these elections the Board will be able to devote its time to the handling of representation and unfair labor practice cases.

Third. This bill will validate those elections already taken by the Board which have been affected by the Supreme Court decision. In other words, it would mean merely repeating the same procedure that has been taken in a previous election.

Let me say, however, that enactment of this amendment will in no way excuse disobedience to court judgments and court decrees which have already become final. Nor will this amendment reinstate any unfair labor practice procedures which have already been dismissed by the Board.

The bill continues to safeguard employees against subjection to union shop agreements which a majority disapproved. The Board will still conduct elections on the petition of 30 percent or more of the employees in a bargaining unit. Both the National Labor Relations Board and the general counsel for the Board have expressed themselves in favor of this legislation. This appears to me to be only a common sense way of meeting a difficult situation which was never anticipated prior to the Supreme Court decision of this year. The elections thus far held before that decision have already been admittedly honest and conducted in accordance with the rules of the Board. For these reasons I believe this amendment is not only sound but makes good sense and is in accordance with the best interests of labor, the public, and the National Labor Relations Board.

Mr. RHODES. Mr. Chairman, this bill corrects only one of the many evils in the oppressive Taft-Hartley Act. It is like throwing out crumbs to pacify the victims of a grave injustice. There are many things wrong with this act which one of its authors admitted when he proposed some 30 different changes in the law.

The fact this bill comes to the floor under a closed rule and forbids debate and amendments to correct other features in this discriminatory law is in itself evidence of the injustice of this legislation.

The real impact of this punitive legislation is felt by working men and women in Southern States, where wages are the lowest and working conditions are the poorest. It becomes difficult and almost impossible for factory and mill workers to organize a union without fear of economic reprisal to themselves and members of their families.

In many progressive States where working people have enjoyed strong labor organizations the act has not been as harmful as in backward States. But even in these States it has retarded organization because of fear of discrimination, and it remains as a threat which would become more real if the Nation should slip into another "Old Deal" depression, that some seek to lead us into.

I will support this bill, but I want to point out that it is still only a drop in the bucket, so far as improvement to this unjust Taft-Hartley Act is concerned.

I want to read to you an editorial from the Machinist, weekly publication of the International Association of Machinists, A. F. of L., which was published only a few days ago and which gives us a little background information about this bill and the law it seeks to amend:

THE ALL-UNION SHOP IS HERE TO STAY

You won't read much about it in the newspaper headlines, but up in Congress they are getting all ready to wrap up a gift for us poor, faceless characters who do the work.

Somewhere, in the back rooms where the decisions are made, they have agreed to concede on the fight against the union shop.

From here on we can have the union shop—if we can negotiate it—without even being required to line up and vote for it.

The bill already has been approved by the Senate. The House Labor Committee has also recommended approval by that body.

Back 4 years ago when the Taft-Hartley bill was being debated, a lot of supposedly intelligent and well-informed Senators and Congressmen were convinced that we really did not care much for our unions. Convinced by the lobbyists for the National Association of Manufacturers that given a secret ballot, we would vote against the all-union shop.

ALMOST UNANIMOUS

So they put it in the Taft-Hartley Act along with a lot of other mistaken ideas. They made it illegal for any employer to grant a union shop unless and until the employees voted for it.

They were cute about it, too. Every other election requires a majority of those voting to carry the question. For the union shop they made the requirement a majority of all those eligible to vote. That meant that a man who was sick and could not vote on election day was automatically counted as voting "No."

When they started holding these elections, the politicians discovered that men and women who work for a living know that they get a better break in an all-union shop. The elections were almost unanimous.

Not only did the elections fail to weaken unions, actually they turned out to be a bargaining tool to help convince the company that its employees really preferred an all-union shop with everyone in the union.

Over the 4 years since Taft-Hartley was passed, 5,336,971 Americans went to the polls in Government-supervised union-shop elections. Here are the election results:

For the union shop	4,886,141
Against the union shop	450,830

These votes were cast in 44,587 different plants and shops in every State and in every county in the United States, and in almost every industry. Ninety-seven percent of these elections went overwhelmingly in favor of the union shop.

THREE MILLION DOLLAR MISTAKE

Now the antilabor forces in Congress are willing to concede. They are going to amend the Taft-Hartley Act to withdraw

the requirement that elections must be held before an employer can grant the union shop. A few months ago Congress also amended the Railway Labor Act to permit unions to negotiate union-shop agreements.

We can say now without fear of contradiction that the all-union shop is an American institution, established by 5,000,000 votes as a permanent rule of collective bargaining in the United States.

The 5,000,000 Americans who voted in these Taft-Hartley elections not only showed that the all-union shop is a popular and necessary part of labor relations, they also proved how far wrong Taft and company were when they voted in the Taft-Hartley Act.

The union-shop election was only one of the minor mistakes in the act. Yet this mistake alone has cost Uncle Sam almost $3,000,000, spent to conduct these elections, to prove that any union member knew all along, that it's always better to work in a union shop.

Mr. RABAUT. Mr. Chairman, I am going to oppose the motion to recommit. On August 23, I introduced in the House H. R. 5291, the provisions of which are identical to those of S. 1959, the measure now before us. In addition to rectifying a condition which has grown out of conflicting Supreme Court and National Labor Relations Board decisions, a step which has the endorsement of labor and management alike, the bill also amends the Taft-Hartley Act with respect to one of the provisions which have proved unwise ever since that legislation was put on the statute books.

The first of these provisions of S. 1959 will be very helpful in preserving the stability of labor-management relationships which is so important to the smooth progress of the defense effort. The second will prevent a needless drain on the resources of the NLRB by eliminating the requirement that the NLRB hold elections to authorize the making of union security contracts.

The net effect of the bill is to let unions and employers know where they stand with respect to activities undertaken in relation to them by the National Labor Relations Board and to prevent a needless expenditure of money.

Mr. Chairman, the motion to recommit should be defeated and the bill should receive the support of every Member of this House.

The CHAIRMAN. All time having expired under the rule, the bill is considered as having been read for amendment. Are there any committee amendments?

Mr. BARDEN. Mr. Chairman, there are no committee amendments to be offered.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EVINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1959) to amend the National Labor Relations Act, as amended, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOFFMAN of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN of Michigan. I am, Mr. Speaker.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry

The SPEAKER. The gentleman will state it.

Mr. BAILEY. Mr. Speaker, as a member of the Committee on Education and Labor, do I not have the privilege of recognition?

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. May I inquire if it is not the practice and the rules of the House of Representatives that the right to offer a motion to recommit goes first to someone on the minority side?

The SPEAKER. In response to the gentleman from Indiana, that is correct, if he is a member of the committee, reporting the bill. The Chair quotes from page 301 of Cannon's Procedure in the House of Representatives as follows:

A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee.

If anyone who is a member of the committee on the minority side desires to claim the right to offer a motion to recommit the Chair will recognize him; otherwise he will recognize the gentleman from West Virginia.

Mr. BREHM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Chair will hold that the gentleman is not too late in offering the motion. Is the gentleman opposed to the bill?

Mr. BREHM. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion, and that motion must be in writing.

Mr. FULTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FULTON. I understood that the Speaker had already recognized the gentleman from West Virginia [Mr. BAILEY].

The SPEAKER. The motion offered by the gentleman from West Virginia had not been reported. This is comity that has always existed in the House of Representatives between the majority and the minority.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BREHM moves to recommit the bill S. 1959 to the Committee on Education and Labor.

Mr. BARDEN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. BAILEY. Mr. Speaker I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 22, nays 306, not voting 100, as follows:

[Roll No. 194]

YEAS—22

Bailey	Hull	Staggers
Bishop	Kee	Tackett
Brehm	Kelley, Pa.	Trimble
Flood	O'Neill	Walter
Golden	Perkins	Wier
Hays, Ohio	Ramsay	Wilson, Tex.
Hedrick	Robeson	
Hoffman, Mich.	Sittler	

NAYS—306

Aandahl	Curtis, Nebr.	Jenkins
Abbitt	Davis, Ga.	Jensen
Abernethy	Davis, Tenn.	Johnson
Adair	Davis, Wis.	Jones, Ala.
Addonizio	DeGraffenried	Jones, Mo.
Albert	Denny	Jones, Hamilton C.
Allen, Calif.	Devereux	Jones, Woodrow W.
Allen, Ill.	D'Ewart	Judd
Andersen, H. Carl	Dingell	Karsten, Mo.
Anderson, Calif.	Dolliver	Kean
Andresen, August H.	Dondero	Kearns
Andrews	Donohue	Keating
Angell	Donovan	Kerr
Arends	Doughton	Kersten, Wis.
Aspinall	Doyle	Kilday
Auchincloss	Durham	King
Ayres	Eaton	Kirwan
Bakewell	Eberharter	Lane
Barden	Elliott	Lanham
Baring	Ellsworth	Lantaff
Barrett	Engle	LeCompte
Bates, Mass.	Evins	Lesinski
Battle	Fallon	Lind
Beall	Feighan	Lovre
Beamer	Fernandez	Lyle
Beckworth	Fischer	McCarthy
Bender	Forand	McConnell
Bennett, Fla.	Ford	McCormack
Bennett, Mich.	Forrester	McDonough
Bentsen	Fugate	McGregor
Betts	Fulton	McGuire
Blatnik	Garmatz	McMillan
Boggs, Del.	Gary	McMullen
Bolling	George	McVey
Bolton	Goodwin	Machrowicz
Bonner	Gordon	Mack, Ill.
Bosone	Graham	Mack, Wash.
Bow	Granahan	Madden
Boykin	Granger	Mahon
Bray	Grant	Mansfield
Brooks	Green	Marshall
Brown, Ga.	Greenwood	Martin, Iowa
Brownson	Gross	Martin, Mass.
Bryson	Gwinn	Mason
Buchanan	Hagen	Merrow
Buckley	Hale	Miller, Md.
Budge	Hall, Edwin Arthur	Miller, Nebr.
Burdick	Halleck	Miller, N. Y.
Burleson	Harden	Mills
Burnside	Hardy	Mitchell
Burton	Harris	Morano
Bush	Harrison, Va.	Morris
Butler	Harrison, Wyo.	Moulder
Camp	Hart	Multer
Canfield	Harvey	Mumma
Cannon	Havenner	Murdock
Carlyle	Hays, Ark.	Murray, Tenn.
Carnahan	Herlong	Nelson
Chatham	Herter	Nicholson
Chenoweth	Heselton	Norblad
Chiperfield	Hill	Norrell
Chudoff	Hillings	O'Brien, Ill.
Church	Hinshaw	O'Brien, Mich.
Clemente	Hoeven	O'Hara
Clevenger	Hoffman, Ill.	Ostertag
Cole, Kans.	Holmes	O'Toole
Colmer	Hope	Passman
Cooley	Horan	Patman
Cooper	Hunter	Patten
Cotton	Irving	Patterson
Cox	Jackson, Calif.	Philbin
Crosser	Jackson, Wash.	Pickett
Crumpacker	James	Polk
Cunningham	Jarman	Potter
Curtis, Mo.	Javits	Poulson
	Jenison	

Preston	Schwabe	Vail
Price	Scott,	Van Pelt
Priest	Hugh, D., Jr.	Van Zandt
Rabaut	Scrivner	Velde
Radwan	Scudder	Vorys
Rains	Secrest	Vursell
Rankin	Seely-Brown	Watts
Reams	Shafer	Weichel
Reece, Tenn.	Sheppard	Welch
Reed, Ill.	Short	Wharton
Reed, N. Y.	Sieminski	Wheeler
Rees, Kans.	Simpson, Ill.	Whitten
Rhodes	Simpson, Pa.	Wickersham
Richards	Smith, Kans.	Widnall
Riehlman	Smith, Miss.	Williams, Miss.
Riley	Smith, Va.	Williams, N. Y.
Roberts	Smith, Wis.	Wilson, Ind.
Rodino	Spence	Winstead
Rogers, Colo.	Springer	Withrow
Rogers, Fla.	Stigler	Wolcott
Rogers, Mass.	Stockman	Wolverton
Rogers, Tex.	Sutton	Wood, Ga.
Rooney	Talle	Wood, Idaho
Sabath	Teague	Woodruff
Sadlak	Thomas	Yorty
St. George	Thompson,	Zablocki
Sasscer	Mich.	
Saylor	Tollefson	

NOT VOTING—100

Allen, La.	Fogarty	Miller, Calif.
Anfuso	Frazier	Morgan
Armstrong	Furcolo	Morrison
Baker	Gamble	Morton
Bates, Ky.	Gathings	Murphy
Belcher	Gavin	Murray, Wis.
Berry	Gore	O'Konski
Blackney	Gregory	Phillips
Boggs, La.	Hall,	Poage
Bramblett	Leonard W.	Powell
Brown, Ohio	Hand	Prouty
Buffett	Hébert	Quinn
Busbey	Heffernan	Redden
Byrne, N. Y.	Heller	Regan
Byrnes, Wis.	Hess	Ribicoff
Case	Holifield	Rivers
Celler	Howell	Roosevelt
Chelf	Ikard	Scott, Hardie
Cole, N. Y.	Jonas	Sheehan
Combs	Kearney	Shelley
Corbett	Kelly, N. Y.	Sikes
Coudert	Kennedy	Stanley
Crawford	Keogh	Steed
Dague	Kilburn	Taber
Dawson	Klein	Taylor
Deane	Kluczynski	Thompson, Tex.
Delaney	Larcade	Thornberry
Dempsey	Latham	Vinson
Denton	Lucas	Werdel
Dollinger	McCulloch	Whitaker
Dorn	McGrath	Wigglesworth
Elston	McKinnon	Willis
Fenton	Magee	Yates
Fine	Meader	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Hand.
Mr. Quinn with Mr. Leonard W. Hall.
Mr. Morrison with Mr. Cole of New York.
Mr. Hébert with Mr. Corbett.
Mr. Keogh with Mr. Coudert.
Mr. Murphy with Mr. Dague.
Mr. Miller of California with Mr. Elston.
Mrs. Kelly of New York with Mr. Hess.
Mr. Heffernan with Mr. Taber.
Mr. Anfuso with Mr. Taylor.
Mr. Vinson with Mr. Prouty.
Mr. Fine with Mr. Crawford.
Mr. Shelley with Mr. McCulloch.
Mr. Delaney with Mr. Morton.
Mr. Allen of Louisiana with Mr. Sheehan.
Mr. Howell with Mr. Baker.
Mr. Klein with Mr. Blackney.
Mr. Heller with Mr. Latham.
Mr. Celler with Mr. Wigglesworth.
Mr. Dollinger with Mr. Fenton.
Mr. Bates of Kentucky with Mr. Hardie Scott.
Mr. Gregory with Mr. Armstrong.
Mr. Roosevelt with Mr. Jonas.
Mr. Deane with Mr. Kearney.
Mr. McGrath with Mr. Kilburn.
Mr. Boggs of Louisiana with Mr. Werdel.
Mr. Denton with Mr. Gamble.
Mr. Frazier with Mr. Case.
Mr. Gathings with Mr. Byrnes of Wisconsin.
Mr. Gore with Mr. Buffett.
Mr. Magee with Mr. Bramblett.
Mr. McKinnon with Mr. Busbey.
Mr. Ribicoff with Mr. Murray of Wisconsin.
Mr. Whitaker with Mr. Phillips.
Mr. Yates with Mr. Brown of Ohio.
Mr. Byrne of New York with Mr. Belcher.
Mr. Regan with Mr. Berry.
Mr. Sikes with Mr. O'Konski.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. McCONNELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 18, not voting 103, as follows:

[Roll No. 195]

YEAS—307

Aandahl	Cooper	Hoeven
Abbitt	Cotton	Hoffman, Ill.
Abernethy	Cox	Holmes
Adair	Crosser	Hope
Addonizio	Crumpacker	Horan
Albert	Cunningham	Hunter
Allen, Calif.	Curtis, Mo.	Ikard
Allen, Ill.	Curtis, Nebr.	Irving
Andersen,	Davis, Ga.	Jackson, Calif.
H. Carl	Davis, Tenn.	Jackson, Wash.
Anderson, Calif.	Davis, Wis.	James
Andresen,	DeGraffenried	Jarman
August H.	Denny	Javits
Andrews	Devereux	Jenison
Angell	D'Ewart	Jenkins
Arends	Dingell	Jensen
Aspinall	Dolliver	Johnson
Auchincloss	Dondero	Jones, Ala.
Ayres	Donohue	Jones, Mo.
Bakewell	Donovan	Jones,
Barden	Doughton	Hamilton C.
Baring	Doyle	Jones,
Barrett	Durham	Woodrow W.
Bates, Mass.	Eaton	Judd
Battle	Eberharter	Karsten, Mo.
Beall	Elliott	Kean
Beamer	Ellsworth	Kearns
Beckworth	Engle	Keating
Bender	Evins	Kersten, Wis.
Bennett, Fla.	Fallon	Kilday
Bennett, Mich.	Feighan	King
Bentsen	Fernandez	Kirwan
Betts	Forand	Lane
Blatnik	Ford	Lanham
Boggs, Del.	Forrester	Lantaff
Bolling	Fugate	LeCompte
Bolton	Fulton	Lesinski
Bonner	Garmatz	Lind
Bosone	Gary	Lovre
Bow	George	Lyle
Boykin	Goodwin	McConnell
Bray	Gordon	McCormack
Brehm	Graham	McDonough
Brooks	Granahan	McGregor
Brown, Ga.	Grant	McGuire
Brownson	Green	McMillan
Bryson	Greenwood	McMullen
Buchanan	Gross	McVey
Buckley	Gwinn	Machrowicz
Budge	Hagen	Mack, Ill.
Buffett	Hale	Mack, Wash.
Burdick	Hall,	Madden
Burleson	Edwin Arthur	Mahon
Burnside	Hall,	Mansfield
Burton	Leonard W.	Marshall
Bush	Halleck	Martin, Iowa
Butler	Harden	Martin, Mass.
Camp	Hardy	Mason
Canfield	Harris	Merrow
Cannon	Harrison, Va.	Miller, Md.
Carlyle	Harrison, Wyo.	Miller, Nebr.
Carnahan	Hart	Miller, N. Y.
Chatham	Harvey	Mills
Chenoweth	Havenner	Mitchell
Chiperfield	Hays, Ark.	Morano
Chudoff	Hays, Ohio	Morris
Church	Herlong	Moulder
Clemente	Herter	Multer
Clevenger	Heselton	Mumma
Cole, Kans.	Hill	Murdock
Colmer	Hillings	Murray, Tenn.
Cooley	Hinshaw	Nelson
Nicholson	Roberts	Talle
Norblad	Rodino	Teague
Norrell	Rogers, Colo.	Thomas
O'Brien, Ill.	Rogers, Fla.	Thompson,
O'Brien, Mich.	Rogers, Mass.	Mich.
O'Hara	Rogers, Tex.	Tollefson
Ostertag	Rooney	Vail
O'Toole	Sadlak	Van Pelt
Passman	St. George	Van Zandt
Patman	Sasscer	Velde
Patten	Saylor	Vorys
Patterson	Schwabe	Vursell
Philbin	Scott, Hardie	Walter
Pickett	Scott,	Watts
Polk	Hugh D., Jr.	Weichel
Potter	Scudder	Welch
Poulson	Secrest	Wharton
Preston	Seely-Brown	Wheeler
Price	Shafer	Whitten
Priest	Sheppard	Wickersham
Rabaut	Short	Widnall
Radwan	Sieminski	Williams, Miss.
Rains	Simpson, Ill.	Williams, N. Y.
Rankin	Simpson, Pa.	Wilson, Ind.
Reams	Smith, Kans.	Winstead
Reece, Tenn.	Smith, Miss.	Withrow
Reed, Ill.	Smith, Va.	Wolcott
Reed, N. Y.	Smith, Wis.	Wolverton
Rees, Kans.	Spence	Wood, Ga.
Rhodes	Springer	Wood, Idaho
Richards	Stigler	Woodruff
Riehlman	Stockman	Yorty
Riley	Sutton	Zablocki

NAYS—18

Bailey	Hull	Robeson
Bishop	Kee	Sittler
Fisher	Kelley, Pa.	Staggers
Flood	O'Neill	Tackett
Golden	Perkins	Wier
Hoffman, Mich.	Ramsay	Wilson, Tex.

NOT VOTING—103

Allen, La.	Furcolo	Morrison
Anfuso	Gamble	Morton
Armstrong	Gathings	Murphy
Baker	Gavin	Murray, Wis.
Bates, Ky.	Gore	O'Konski
Belcher	Granger	Phillips
Berry	Gregory	Poage
Blackney	Hand	Powell
Boggs, La.	Hébert	Prouty
Bramblett	Hedrick	Quinn
Brown, Ohio	Heffernan	Redden
Busbey	Heller	Regan
Byrne, N. Y.	Hess	Ribicoff
Byrnes, Wis.	Holifield	Rivers
Case	Howell	Roosevelt
Celler	Jonas	Sabath
Chelf	Kearney	Scrivner
Cole, N. Y.	Kelly, N. Y.	Sheehan
Combs	Kennedy	Shelley
Corbett	Keogh	Sikes
Coudert	Kerr	Stanley
Crawford	Kilburn	Steed
Dague	Klein	Taber
Dawson	Kluczynski	Taylor
Deane	Larcade	Thompson, Tex.
Delaney	Latham	Thornberry
Dempsey	Lucas	Trimble
Denton	McCarthy	Vinson
Dollinger	McCulloch	Werdel
Dorn	McGrath	Whitaker
Elston	McKinnon	Wigglesworth
Fenton	Magee	Willis
Fine	Meader	Yates
Fogarty	Miller, Calif.	
Frazier	Morgan	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Hand.
Mr. Quinn with Mr. Blackney.
Mr. Roosevelt with Mr. Brown of Ohio.
Mr. Dorn with Mr. Kilburn.
Mr. Hébert with Mr. Latham.
Mr. Delaney with Mr. Wigglesworth.
Mr. Morrison with Mr. Taber.
Mr. Miller of California with Mr. Coudert.
Mr. Murphy with Mr. Cole of New York.
Mr. Kluczynski with Mr. Case.
Mr. Klein with Mr. McCulloch.
Mr. Magee with Mr. Morton.
Mr. Deane with Mr. Prouty.
Mr. Heller with Mr. Sheehan.
Mr. Allen of Louisiana with Mr. Gavin.
Mr. Heffernan with Mr. Baker.
Mr. Bates of Kentucky with Mr. Belcher.
Mr. Gregory with Mr. Jonas.

Mr. Dollinger with Mr. Kearney.
Mr. Morgan with Mr. Werdel.
Mr. Fine with Mr. Taylor.
Mr. Ribicoff with Mr. Fenton.
Mrs. Kelly with Mr. Dague.
Mr. Regan with Mr. Corbett.
Mr. Celler with Mr. Crawford.
Mr. Redden with Mr. Byrnes of Wisconsin.
Mr. McGrath with Mr. Scrivner.
Mr. Anfuso with Mr. Armstrong.
Mr. Byrne of New York with Mr. Berry.
Mr. Dempsey with Mr. Gamble.
Mr. Denton with Mr. Elston.
Mr. Holifield with Mr. Phillips.
Mr. Howell with Mr. Bramblett.
Mr. Whitaker with Mr. Busbey.
Mr. Vinson with Mr. Hess.
Mr. Shelley with Mr. Murray of Wisconsin.
Mr. Yates with Mr. O'Konski.

Mr. SITTLER changed his vote from "yea" to "nay."

Mr. BAILEY changed his vote from "yea" to "nay."

Mr. SUTTON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks on the bill just passed at a point in the RECORD preceding the roll-call vote on the motion to recommit.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BROADER PARTICIPATION

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, real cooperation between the English-speaking peoples is always of great importance, but it would be a great mistake to try to base our efforts for preserving world peace and rehabilitating economically distressed nations on a union dominated by the Anglo-Saxon peoples and their satellites alone. Such a policy would bring deep resentment from other great nations as was shown by the disastrous failures of Hitler. To weld a truly effective organization for world peace, it is absolutely necessary to secure the wholehearted participation of the great Latin races, the Slavic and Celtic peoples, the Semitic groups, and peoples of many other diverse blood strains identified with the Near East and East. In such a union the free democratic world could present a truly united front before the Soviets.

Translated into practical terms, that would mean the acceptance of the Spanish and, of course, of the Italian peoples. It would mean the enlistment of the Irish people with their ago-old fervor and militancy in the cause of liberty. It would mean cooperation with the new State of Israel and our Jewish brethren throughout the world. It would mean our acceptance of the great Polish people, historically devoted to freedom, and the liberation of that people together with our loyal friends of Lithuania, Estonia, and Latvia, who are all looking to us for succor and relief from tyranny. It would mean that we should seek to embrace within the orbit of our free world organization the many peoples of Africa and the Orient already sorely beset by the cruel pressure of Soviet conspiracy, of infiltration, and aggression.

The great practical obstacles that stand in the way of such cooperation are by no means insurmountable, if an honest, just and fair-minded approach is made. This Nation can mount a program to bring all these peoples to the side of the free world by immediately coming into closer relations and cooperative action with Spain, Ireland, Italy and the free Polish Government. If we were able to marshal, not only the resources of wealth and manpower, but the dynamic enthusiasm, the spiritual strength and political militancy of these nations, we should have made notable progress toward the goal of throwing up truly effective road blocks in Europe and Asia against the powerful march of Soviet military and ideological pressure.

I speak particularly today in behalf of the enlistment of the Irish, the Italians, the Spanish, and the Polish in our cause. Let us no longer be blinded by unreasoning prejudice and illogical hostility to the immeasurable value of having these noble peoples on the democratic side in fact as well as in theory.

Nor should we overlook the fact that the people of Western Germany are of the greatest importance to the defense of Western Europe. We should foster every possible cooperative measure to rehabilitate and strengthen these people and bring them into our efforts to sustain western civilization against Communist zealots.

There should be no further delay regarding the revision of the Italian Treaty. Highest official of this Government, as well as the American people, are agreed upon the importance of a rejuvenated and free Italy. We must move speedily to extend our helping hand and generous assistance to this noble people, which has manifested such admirable determination to ward off the ravages of communism in their fair land. The Italian nation should be welcomed into the free world and assisted in setting up appropriate armed force to help meet every challenge of communism.

I have never been able to understand, and I have frequently deplored, our attitude toward Poland. I think there has never been a greater crime committed against any free nation in history than the one which so cruelly consigned the noble Polish people to the merciless domination of communism. That agreement was never ratified by the United States Senate and it is disapproved and renounced by an overwhelming number of loyal Americans. We should move with all possible haste to make this renunciation official by taking measures to liberate Poland from the bestial serfdom and subjugation she now suffers.

Forthright action to consolidate all these great peoples would unquestionably inspire all the small struggling nations of the earth to reawakened zeal for our cause, and our Nation would soon enjoy restored prestige and confidence in many quarters of the globe where these important elements of good will are presently at a low ebb. Such measures would be of inestimable benefit to our struggle against communism.

It is dangerous to underestimate an adversary, but it is even more dangerous, in my opinion, for the greatest nation on earth to cringe and cower before his blandishments. If we would have other nations respect us, we must vigorously assert our own self-respect, our faith in ourselves and our democratic way of life, our courage and determination to face up to any threat to our security, our invincible will to protect the United States and its free institutions, come what may. Let us have more talk about our strength and less talk about our own weakness in our willingness to appease where we should fearlessly face the true issues of survival which confront us. Let us have less talk about the atomic bombs of Russia and more talk about the far more numerous and more devastating atomic bombs of the United States and our ability to deliver them promptly, should we be required to do so. I pray that moment may never come.

And let us have more talk about peace, about the prospects for universal disarmament and atomic control designed to check future war.

I have felt that our efforts along these lines have not been as vigorous and sustained as I would like to see them. It is true that we cannot force our views upon an unwilling nation. But we can at least present before the world council and before world opinion the blueprint for a peaceful world. We can urge a conference for atomic control and disarmament and let the peoples of the world know that we are not imperialist warmongers, as so often charged by Soviet propaganda, but we are, on the other hand, true lovers of liberty, true seekers of peace, true and vigorous apostles of a free, peaceful world in which fear of atomic bombs or other terrible weapons of human destruction shall not have a place.

PEACE COMES NOT ONLY FROM THE GOVERNMENT; IT COMES FROM THE PEOPLE

Mr. MACK of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MACK of Illinois. Mr. Speaker, this week I shall leave Washington on a solo flight of 33,000 miles, touching in 30 countries and seeing at first hand

conditions in many areas of the world. This flight is made with only one purpose in mind and I am sure it is the dominating purpose in the hearts and minds of all Americans.

The overpowering hope of us all, regardless of political party, regardless of economic background, regardless of race or creed, regardless of any petty differences among us—our common hope is that the world may be at peace, not merely for our own times but for generations yet to come. We hope that such a peace may produce a world in which wars and rumors of wars will not be an ever-present accompaniment of our daily life.

Yet this is not a "peace at any price" for which we hope. We want no peace which will cause us to give up our own cherished institutions. We want no peace which will be without the freedoms which we hold dear and which are too much a part of our hallowed American heritage to surrender. We want peace, but we want a peace which will recognize our right to live as men.

And these rights and privileges we desire for ourselves, we wish for all the peoples of the world. We in the United States have no desire to manage the affairs of the entire family of nations. We do not wish to decide all of the details of politics and economy for other peoples. We wish rather a world in which each people and each nation can order its own affairs in a peaceful, free manner, without interference and pressure from other powers.

We, in America, have no quarrel with our neighbors in Europe or Asia or any land. We wish no war, cold or otherwise. We wish only to live in peace and for all nations to live in harmony and understanding with one another.

It is to extend this sentiment that my trip is being taken. I am not going as an official ambassador of the United States Government. I am going alone, in a private, civilian airplane. I will carry with me only one article for each city in which I stop. That article is a scroll conveying the greetings and the hopes for peace from my home area of central Illinois to the people of these foreign towns.

It is fitting that this expression should come from central Illinois for it is an area dominated in its traditions and its thinking by one of the greatest of all Americans—Abraham Lincoln. No President has ever been taken to the heart of the American people so warmly as has the martyred Civil War President. The reason for this is, I believe, simple. Lincoln was one of the people. Only from Abe Lincoln could have come the statement that the Lord must have loved the common people because he made so many of them.

It is from the descendants of these common people of the Abraham Lincoln district that I bear greetings to the people of the world.

It is further fitting that these sentiments of peace on earth to all men of good will should come from the Lincoln country. Perhaps no man ever so well expressed the idea of the brotherhood of man as did Lincoln. In his second inaugural address, his impassioned plea that old hatreds and recent bitterness must be forgotten so that the Nation could bind up the wounds of war stands unsurpassed as a landmark of Christian charity. These words are just as applicable to the present situation. This world now needs a return to the doctrine of forgiveness and of Christian brotherhood as much as it ever did in 1865.

However, these expressions of a desire for peace and of brotherhood are not restricted to the Lincoln district. I am sure that they are echoed in the hearts of every American and I feel that I am only expressing their sentiments for them in a way which will serve as a symbol of what is in the American mind today.

However, the peace we want will not come to us without effort on our part. Nothing worth securing can be obtained without sacrifice, work, and thought.

Sacrifice and work we all know from our experiences of the last 10 years.

Often, however, the third necessity—that of thought—is forgotten. Work and sacrifice are essentials, but equally so is a thoughtful attitude on the part of our leaders and our citizens. Every proposal for a better United States deserves the thought and the study of every American.

The past years have seen too much of the attitude of praising or condemning a person or a proposal merely because of sponsorship by a particular economic or political group. This attitude has been labeled "partisan politics."

No political party has a monopoly on capable men; no political party has a monopoly on scoundrels. No political party has a monopoly on desirable legislation; no political party has a monopoly on undesirable legislation.

Every person holding a political office has at least one duty and unless he performs that duty he is unworthy to hold political office. He must conscientiously study every piece of legislation which appears before him; he must carefully familiarize himself with every proposal which affects his constituents. And this study must not be based merely on noting which party is proposing this policy; it must be a searching examination of just how this proposal will react on his constituents and on the whole country. His vote must then reflect the result of this examination and not merely party loyalty or loyalty to one group within his district.

But not all the responsibility for thinking rests on the officeholder. The average citizen has an equally serious obligation. Almost every year the citizens go to the polling place to indicate their choices for political office. All too often, little thought is given in advance of the day of election as to how he will mark his ballot. This is just as wrong as the officeholder giving no thought to his votes or policies. The citizen has the duty of studying the candidates and examining their records carefully. Then, and only then, is he truly a citizen expressing himself intelligently and well.

This is not unrelated to the original idea of peace. I believe it is directly related to peace. Only by having an intelligent, thoughtful group of voters, equally ready to think as to sacrifice and work, can we hope to formulate national policies which will produce peace.

Peace comes not only from the Government; it comes from the people, but furthermore, peace does not come only by wishing—it comes only with the assistance of every American.

The SPEAKER. Under the previous order of the House, the gentleman from Washington [Mr. JACKSON] is recognized for 60 minutes.

THE ATOMIC BOMB

Mr. JACKSON of Washington. Mr. Speaker, last Wednesday the President announced that Russia has exploded another atomic bomb; last Friday came Stalin's belated confirmation of what we already knew. The news has now had a chance to sink in; it is time we ask ourselves what it means for the defense of our country and our freedom.

One thing should now be clear to all of us—the Kremlin is moving heaven and earth to develop more powerful and more destructive nuclear weapons. Atomic tests are intended to determine progress in developing better weapons; this test means that the Russians are moving forward. Stalin means business.

I fear that some Americans still doubt this. Six years ago, after Hiroshima and Nagasaki, many of our countrymen confidently predicted that the Kremlin would need at least 20 or 30 years to master the secret of atomic energy—there were even those who made bold to suggest that the Russians would never achieve an atomic bomb. And 2 years ago, even after the President revealed that the Russians had in fact exploded an atomic bomb, some Pollyannas still looked the other way and pretended that this epochal event had never occurred. Some said that the Soviet explosion was accidental rather than planned; others knowingly declared that the test was a fluke, a lucky experiment that could never have been repeated; still others asserted that the Russians could never stockpile these atomic weapons in large quantities.

Those of us who sat on the Joint Committee on Atomic Energy could not take refuge in such comforting notions. We realized that the general scientific laws underlying atomic weapons were known to all qualified nuclear physicists. We knew also that Russia did not lack for topflight scientists. We studied top secret intelligence reports which indicated that the Soviets were trying their mightiest to overtake and surpass us in the atomic armaments race.

As a member of the Joint Committee on Atomic Energy, it has been my duty and privilege to devote many hours each week to a study of atomic problems. I have repeatedly tried to warn the American people and my colleagues in this House of the dire necessity of bolstering our atomic defenses. When I returned from the Eniwetok atomic tests last spring, I went on record as urging an immediate doubling of the scale and scope of our atomic effort. And just 6 weeks ago, I stood on this very spot and

warned with all the solemnity at my command that "it is just plain indisputable that the Soviets are in the atomic-weapons business on a big scale, and with every day and week that passes, they are adding to their stockpile these destroyers."

None of us can any longer ignore the obvious. The obvious facts are these: The Russians have already exploded atomic bombs. They will explode more weapons in the future. They are stockpiling weapons at an increasing rate. Right now they can launch an atomic attack at 20 or 30 American cities.

What are we going to do about it? There is no cause for unreasoning panic. Our Atomic Energy Commission has not been resting on its oars. We have in being a formidable—and rapidly growing—stockpile of atomic weapons. Until now, our atomic superiority has held the Kremlin in check. The ground troops of Stalin vastly outnumber those of the free world. The Red air force is far larger than the combined air fleets of the free peoples. In only one field of military endeavor—the field of atomic weapons—have we maintained a commanding lead over the Soviets. Yet this trump card alone—the fearful retribution that would be visited upon the men of the Politburo if the dictators struck—has served to keep Stalin from beginning the third world war.

Falling behind in the atomic armaments competition will mean national suicide. The latest Russian explosion means that Stalin has gone all out in atomic energy. It is high time that we now go all out.

Few people realize that since VJ-day only 3 cents out of every defense dollar has been devoted to the output of atomic bombs. In other words, less than one-thirtieth of our total military spending has gone to produce the one weapon in which we are preeminent. In the last fiscal year, typically enough, we spent about four-fifths of a billion on atomic weapons and in the meanwhile we paid out five times this sum—or more than four billions—for small arms, bullets, hand grenades and the like.

In the past—in the past, I say—there were reasons for this seemingly upside-down allocation of our defense funds. At the outset of our program there were shortages in raw materials and bottlenecks in technical equipment—limiting factors on the supply of atomic weapons.

But now these obstacles to all-out atomic production are being surmounted. The time will come when we can make these weapons in dozens of varieties and in thousands and tens of thousands. The hour is drawing close when atomic weapons tailored to all types of combat situations can be made available—when they can be produced in qualities and types sufficient to serve as the paramount instrument of deterrence either against all-out war or against future Koreas.

I believe that we must immediately and dramatically expand the scale and scope of our atomic effort. In place of the approximately $1,000,000,000 we are spending on atomic weapons this year, I propose that we now undertake to spend between six and ten billions annually on this supreme deterrent against Kremlin aggression.

I put it to the Members of this House as a fact that there is virtually no limit on the number of atomic weapons we can produce, if only we now boldly increase the moneys and resources presently devoted to our atomic program. Too many Americans have wrongly imagined that there are fixed and immutable limits, on the number of weapons we can make. In part because atomic energy is so novel, in part because large areas of our program are necessarily shrouded in secrecy, a great many people without access to the true facts have mistakenly assumed that the manufacture of atomic weapons is exempt from the economic laws which govern the production of other commodities. This is not so. For all its exquisite gadgetry, an atomic bomb—from the production standpoint—can be likened to a tank. Now nobody would ever imagine that the quantity of tanks we can produce is a constant—that we can turn them out only in X or Y number. If we want more tanks, we simply spend more money and exploit additional resources. Perhaps we need more steel for armor plate, so we increase our exploration program; we develop low-grade deposits. And then we build more factories, more assembly lines, more machine tools. So it is with atomic energy. The size of the end product is proportional to our effort.

The Atomic Energy Commission has officially informed the joint committee that, given more money and more resources, it can now multiply the scale of our atomic effort.

We can no longer give heed to the philosophers of scarcity in our thinking about atomic materials. The potential supply of nuclear weapons is almost without limit.

Another thing is also without forseeable limit—the military's need for atomic energy. I have personally always deeply regretted that from Hiroshima onward many military thinkers regarded the atomic bomb as primarily a strategic weapon, to be used against industrial targets. Given this assumption, it was easy to go a step further and wrongly imagine that the atomic bomb could be used only against cities and civilians. Those holding this view proceeded to argue that—since the number of cities in the enemy country is limited—the supply of atomic weapons we can profitably use is correspondingly limited. Advocates of this doctrine accordingly questioned the necessity of producing atomic weapons in truly massive quantities.

Regarded only as a strategic weapon, the atomic bomb did not tell us how we could halt an enemy's troop in the field while we were destroying his munitions factories; it did not tell us how we could spare our allies the agonies of occupation while we were knocking out an aggressor's war potential. It did not tell us how we could launch counter-strikes against an enemy's strategic airfields and thereby prevent him from hitting against our own cities. Nor—when viewed purely as a strategic weapon for use against targets deep in the fastness of the Soviet Union—did the atom directly answer the problem of dealing with a future Greece or Korea or Malaya.

Moreover, Stalin has been quick to exploit, and turn to his own propaganda advantage, the mistaken but widely held belief that the atomic bomb could be directed only against cities and factories. Stalin has sought to convince the world that his best weapon, the Red army, is moral whereas our best weapon, the atomic bomb, is immoral. Actually, of course, our military men have always regarded atomic weapons as precision instruments to be used only against specific targets vital to an aggressor's war machine. Yet—however wrongly—the idea has gained currency that our defense plans are based upon killing non-combatants, that atomic weapons must inevitably destroy the guilty and the innocent alike.

But 1951 finds us in the middle of a revolution in military thinking. Strategists now recognize that atomic weapons can be used with extraordinary effectiveness in all phases of warfare—if we now act to produce atomic weapons in huge quantities and great varieties—as we can if only we are willing to spend between $6,000,000,000 and $10,000,000,000 a year on our program.

Atomic energy will be used against enemy troops on the ground. Atomic artillery in various forms will eventually substitute for divisions of ordinary foot soldiers. Short-range guided missiles with atomic warheads will replace conventional howitzers.

The atom will be used on the sea. Nuclear-powered submarines will revolutionize the range and effectiveness of underwater craft. We can develop nuclear-powered aircraft carriers capable of launching planes and carrying atomic bombs.

And the atom will be used in the air. It will be directed not only against an enemy's industrial might but also against the air bases from which he would strike against our cities. Even more, light planes carrying atomic weapons will be used to knock out an enemy's attacking troops and advance supply dumps.

In other words, we can look forward to tactical atomic weapons being used against soldiers in uniform and against troops in the field. We can outflank Stalin's mass armies with our atomic weapons. Our Western European friends have long feared that they would be overrun by the Red army while our Air Force was destroying Russia's military vitals. But now our allies may look forward to halting the Red army in its tracks with the help of the tactical atom.

Consider how this will increase Western Europe's will to resist. Put yourself in the position of Stalin and ask yourself this question: If you were planning to send the Red army crashing across Western Europe, which would you most fear—an ordinary artillery piece or one that fired an atomic warhead? If you were in the Kremlin, you would most fear atomic firepower—real firepower.

Consider also how the prospect of tactical atomic weapons bears upon the problem of halting little wars as well as big wars. If you were a Communist puppet planning some military adventure along the borders of the slave world, would you dare attack if you knew the United States possessed tactical A-bombs in great numbers and many varieties?

Consider, finally, how tactical atomic bombs will answer Stalin's propaganda to the effect that our weapons are immoral.

The hard fact, in addition, is that atomic firepower—measured purely in terms of sheer military effectiveness—is vastly more efficient than the conventional firepower of the Second World War. Atomic explosives can outperform ordinary TNT on land, sea, and in the air.

Even further, atomic firepower, dollar for dollar, is actually hundreds of times cheaper than the cost of conventional high explosives. For less than a hundred dollars, an atomic weapon can generate the same destructive force which costs many thousands of dollars when produced by ordinary means.

Indeed, if we now get about the task of orienting our entire Military Establishment around the power of the split atom, I foresee the day when major reductions in our defense budgets will become possible, when we will be able to purchase greater security for the American people at less cost to the taxpayer.

Do not mistake my meaning. An army cannot fight on expectations—no matter how great. No sensible man, for instance, would suggest that, within a matter of months, we can assign most of our conventional weapons to our military museums and replace them with atomic armaments. As a matter of fact, we can never dispense with ordinary armaments. We will still need troops in the field to exploit breakthroughs achieved with tactical atomic weapons. We will still need bombers to deliver these weapons to their targets.

Also, in urging all-out atomic production, I want specifically to disassociate myself from the proponents of push-button warfare. The day is not in sight, and never will be, when we can win wars without the loss of American lives. Infantry will not become outmoded; we will still need machine guns; destroyers will still roam the seas. I agree with that tireless worker for atomic preparedness, Chairman BRIEN MCMAHON, of the Atomic Energy Committee, that you cannot fight a war from the back seat of a Cadillac.

Let me also put to rest any thought that I regard the atom as a miracle weapon, which need not conform to the classical principles of grand strategy. I maintain precisely the exact opposite. For all its immense power, the atomic bomb is a finite weapon. The real peddlers of military nostrums are those who imagine that the atom can be decisive in warfare without producing it by the thousands and tens of thousands.

Tactical uses of atomic energy alone will profitably absorb all the atomic weapons it is within our power to turn out.

Mr. Speaker, it is just ordinary common sense to give supreme priority to our atomic program. It is simple logic to stress the one field in which we can remain ahead of the Soviets. Unless we make ourselves into a garrison state, it is truly difficult to imagine matching the Red armies division for division. In raw quantitative power—power measured by the yardstick of foot soldiers and ordinary weapons—the Soviets have an actual and potential advantage. But in qualitative military power—in the power of laboratories, scientific skills, and specialized brains—the advantage is overwhelmingly on our side.

I confess to being struck by the irony of having to advance complicated and detailed arguments in support of an all-out atomic program. This is the best weapon we have—it is our one real hope of deterring Stalin. It is the natural weapon of a country weak in brute manpower but superlatively strong in science and technology. How can we afford not to go all out? How can we conceivably not want to make every possible atomic weapon we can?

I believe that reasonable men can differ only on the degree of expansion that is now physically possible. In my own mind I am positive that we can immediately undertake to quintuple our expenditures on the atom—to spend six billions annually. But it may well turn out that we should now increase our spending to 10 billions a year.

I cannot, however, imagine any Member of this House going before his constituents and saying that he is not in favor of making every single atomic weapon it is within our power to produce.

The goal of the American people is now, and ever has been, a just and lasting peace. We wish to live in friendship and brotherhood with the everyday peoples of all the world, including the millions of ordinary Russians now enslaved by Stalin. To keep the peace, we need strength—not only military strength, but economic and moral strength as well. I have spoken today only of enlarging our military defenses. But let no man think that more atomic weapons, standing by themselves, provide a complete answer to Red aggression. Hungry men are easy victims for the false doctrines of Stalinism. So we must help the economically impoverished to help themselves. And beyond all else, we must appear before the court of world opinion with a cause that is noble and just. No matter how efficient its weapons or how strong its economy, a nation must stand on the side of decency if it is to prevail in the competition for the minds of men.

We must tell the world that we now stand ready—as we have stood ready in the past—to put our atomic armaments and all other weapons under effective United Nations control whenever Stalin agrees to a plan that will do the job. We must assure all men of good will that we manufacture atomic weapons only because the Kremlin forces us to, and that we would far prefer to devote our moneys and resources to a war against human wretchedness.

But so long as the Politburo compels us to live in a world of uncontrolled weapons, we have no alternative but to maintain and increase our atomic lead.

If some day we win through to real peace, there will be no need to sell our atomic materials as war surplus; in time of real peace, the stuff in our atomic stockpile will be more valuable than all the gold stored at Fort Knox. It is not generally realized that the very same material used in atomic bombs can be used to fuel peacetime industrial reactors. The identical material which propels an atomic submarine can someday power peaceful ships of commerce. Plutonium and uranium-235 will last thousands of years without deteriorating. If the day comes when men make war no more, the money spent today on our atomic defenses will not be wasted—the fissionable materials which can keep us ahead in the atomic armaments competition will immeasurably enrich our lives in time of peace. Every last ounce of our atomic stockpile is as valuable in peace as it is in war. Today, the atom, in the form of weapons, is the shield of our liberties and the bulwark of our freedoms. Tomorrow, in the form of peacetime power, the atom can remake this world closer to the heart's desire.

I say that therefore we must now—not next year, not next month, but now—get about the job of going all-out in atomic energy.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Montana.

Mr. MANSFIELD. I want to compliment the gentleman from Washington for once again, in a statesmanlike manner, giving to this House the benefit of his wide knowledge of this particular program. I think the Congress and the people are indebted to the gentleman from Washington for the fine contribution which he has just made, and should take his considerations and recommendations extremely seriously.

Mr. JACKSON of Washington. I thank the gentleman from Montana. May I say that all of the members of the Joint Committee on Atomic Energy, Republicans and Democrats alike, are interested in seeing that we stay on top in this atomic struggle.

Mr. MCCORMACK. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Massachusetts.

Mr. MCCORMACK. I also want to congratulate the gentleman from Washington. The gentleman is in a position, as a member of the Joint Committee on Atomic Energy, to obtain information vital to the interests of our country and to the kind of a future world in which the people of all lands in this generation and generations to come would desire to live. I know that in making the speech he did today, he did so after profound consideration and probably collaboration with others.

Am I correct in my last statement?

Mr. JACKSON of Washington. That is correct.

Mr. MCCORMACK. The speech of the gentleman today represents a major con-

tribution, not only to the membership of the House but to the people of the country, and to the people of other free countries. It is also a message to Stalin and his group, and in a language that they thoroughly understand and appreciate—the language of power.

I hope the press of the country will give the gentleman's speech as wide publicity as possible. We hear a great deal about the freedom of the press, and that a free press is a fair press. The gentleman's speech is one that should be carried to the people as widely as possible.

I would like to ask the gentleman a question; and, if he tells me that he prefers not to answer it, I will understand the reason why. Is it the gentleman's opinion that the production of atomic weapons for tactical purposes is in such shape that the experimental stage is over, and that they can be produced in large numbers?

Mr. JACKSON of Washington. Mr. Gordon Dean, Chairman of the Atomic Energy Commission, in a speech in California last week, I believe, stated that we were producing tactical weapons. We now have in our possession tactical weapons that we can use in the field in direct support of our ground troops, much in the same manner that we utilize heavy barrages to pave the way for the advance by infantry.

Mr. McCORMACK. So it is the gentleman's opinion, based upon his knowledge and information, that mass production of atomic weapons for tactical purposes can now be carried out?

Mr. JACKSON of Washington. Yes; I would like to emphasize strongly to the Members of the House my very firm belief that one of the worst things that has happened to the United States and the free world is that the atomic bomb has been held up to the free world as a weapon that could be used only against women and children; that it is a weapon that is limited to strategic purposes. The truth is that there are but a limited number of strategic targets in the world; the truth is that the atomic bomb in America's possession has its greatest strength and can be utilized most effectively in tactical use. There is no limit to the number of tactical weapons that we would need to support our ground troops. The military experts who have come before our committee are agreed that we will be able to hold Western Europe if we can outflank the numerical superiority of the Russians by atomic power. That is the one way to outflank Russian superiority in manpower.

Mr. McCORMACK. I take it the gentleman's speech is a recognition that all of our services are essential, I mean the Navy, the Air Force, the Infantry; that the gentleman is not emphasizing atomic weapons for the purpose of disparaging any other branch of the service. The gentleman feels that the maximum emphasis in conjunction with other branches of our armed services that could be made in the field of atomic weapons should be utilized as a powerful coordinating factor with all our armed services; is that correct?

Mr. JACKSON of Washington. The gentleman is absolutely correct. I suppose, looking ahead, that the largest part of the stockpile will be made available to the Army in direct support of our ground troops, because as I indicated earlier, what the Chairman of the Atomic Energy Commission has said, we are now in the business of producing tactical weapons that will be used to support our ground troops. Unfortunately the Russians have implanted in the minds of millions of people all over the world the idea that the atomic bomb's only use was in the killing of women and children. The result is that for the time being it has sterilized our atomic stockpile, if I may use that expression.

Mr. McCORMACK. The purpose of my last question was to have the RECORD show that if the gentleman's mind was as I have interpreted it, that he was not advocating that from the angle of defense we put "all of our eggs in one basket," to wit the basket that might be labeled "atomic weapons," but that he was urging——

Mr. JACKSON of Washington. I was urging that all three services should make use of the weapon in the event of an all-out war.

Mr. McCORMACK. But he was urging the recognition of the importance of the power of atomic weapons in connection with the other services of our Armed Forces.

Mr. JACKSON of Washington. That is right. The atomic bomb in proper situations can be effectively used in the event of an all-out war by aircraft carriers.

The nuclear-powered submarine, from information that has come to our committee, will make it possible to do almost unbelievable things in submarine warfare. We are all familiar, of course, with the mission of the Air Force insofar as the atomic bomb is concerned. But I would like to make it clear that what we are doing if we produce this fissionable material, atomic material, on a mass scale, is that we are producing nothing more nor less than cheap TNT. The bomb that was dropped on Hiroshima, as was made public some time ago, contained an equivalent of 20 kilotons, or 20,000 tons of TNT. What I am trying to say to the House again is that this is the cheapest TNT that we can make.

The only answer that we have to Stalin and Soviet imperialism is superior American firepower. We will never be able to match them soldier for soldier. We can only outmatch them with superior firepower. How do you get superior firepower? Through the utilization of the resources that are available to us to expand our atomic energy program.

Mr. McCORMACK. So that mass production in the field of atomic weapons has now arrived? It is no longer a theory or an experiment. Of course, there are further experiments that will go on all the time by our scientists.

Mr. JACKSON of Washington. The gentleman is essentially correct. Without being repetitious, I would like to just add one other note to what the gentleman has so effectively asked.

If we avoid world war III, and that is our primary objective, that is the objective of our foreign policy and our military effort, America will have in its possession a stockpile of energy never known to man heretofore. So that we can overnight convert to use, if I may use a Biblical expression, swords as they are today in the form of atom bombs, we can convert these swords into plowshares for the betterment of mankind. Every bit of this material that is not exploded can be refabricated for peaceful industrial purposes. The same material that you use to explode an atom bomb is the identical material that you will use to generate electricity to power ships of commerce, to run airplanes, trains and a multitude of those things that require energy here on earth.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I know how serious, how sincere, and how concerned the gentleman is in his presentation today. I know, too, something about his unique background of study and experience qualifying him to make the remarks he has just made. He does well to emphasize that we are now living in a world of uncontrolled weapons. This being so, does the gentleman think that we are being very realistic in the development of a sound and timely program of civilian defense of American cities and towns against a possible atomic attack by an aggressor nation?

Mr. JACKSON of Washington. I am glad the gentleman asked that question. First of all, I would like, if I may at this point, to pay my tribute to him for his farsighted determination to see a proper buildup of our civil-defense program.

In my remarks 6 weeks ago on the floor of this House, and the gentleman from New Jersey participated in that discussion, I called the attention of the House at that time to the fact that the Russians were in the atomic business on a grand scale. I hope that when the bill comes back from the Senate the House will exercise a little more wisdom in the light of recent events and will increase the budget for civil defense. As a minimum the Russians are capable of destroying 20 to 30 American cities tonight.

Now I do not say for one moment that civil defense provides a complete answer to atomic attack or that there is any final answer to civilian defense. But when one bears in mind the terrible destruction that can come in the event of such attack, it behooves all of us to see to it that we have made every proper effort to safeguard against such a catastrophe.

I want to compliment the gentleman from New Jersey for his sustained and continued interest in this effort. I may say, if my recollection serves me right, that he was one of the first, if not the first, Member of the House to rise in the well and ask that we make a real effort in our civilian defense program.

Mr. CANFIELD. I appreciate what the gentleman has just said, and I am

glad that our military leadership is beginning to bear emphatic testimony on the need of a civilian defense program now. I think the testimony given to the Senate Subcommittee on Armed Services, hearing the presentation for civilian defense on September 5 last, by Mr. Lovett, was most timely, and I hope that the Members of the House will bear that testimony in mind when we act further on these civilian defense requests. Mr. Lovett said he could not understand the apathy of this hour, and most certainly we are making it very difficult for former Governor Caldwell and his group in charge of civilian defense administration. We are being naive.

Mr. MARTIN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. Along the same line of inquiry by the gentleman from New Jersey, while we do not have too much information regarding Russia's development of atomic energy, is it not true that we can reasonably suppose that their first use of the atomic energy they have developed may be along strategic lines, which would endanger our cities and our civilian population?

Mr. JACKSON of Washington. I feel a little embarrassed here because I am not a specialist in military strategy. But I would like to say to the Members of the House that the members of the joint committee on both sides are at this business every day of the week, and we have a responsibility, you know, under the law, of trying to keep currently informed on every phase of atomic development. In that connection we obviously go into highly classified top-secret matters. I think it is quite clear that the primary objective of the Russian military force in the event of another war would be to destroy the source of America's strength. The source of America's strength is America's industrial might. The Russians well realize that in two great wars we entered the conflict without an adequate military force in being. They realize that in order to win another war they must destroy America's capacity to carry on and sustain a conflict over a period of time. So, I think, without any question, that at least for some time they will concentrate their effort on the strategic use of the atomic bomb in the event of another war.

Mr. MARTIN of Iowa. That was my own impression. I do not believe we are revealing any classified information in reaching that conclusion at all. They not only have the strategic development, logically, first, ahead of the tactical development, but they also have the anticipation of destroying our industrial potential. They do not have quite the need for the tactical use of it, because they have the larger manpower for tactical operations.

Mr. JACKSON of Washington. My point has been to make it clear that in the strategic use of the atomic bomb, it is only a matter of time when they can match our ability to use the bomb strategically. You do not have to be a military expert to figure that out. But in the tactical use of the bomb, owing to America's superior technology and industrial capacity, we can outflank the Russian Army with its superior numerical force. In that area there is no limit to the number of atomic bombs that you can use in support of your Ground Forces. But in the strategic use there are a limited number of targets, and in the war operations on the battlefield you need an unlimited amount of firepower. So it is in the area of tactical uses, as I view it, that America should concentrate its strength. In that area there is no limit to the amount of fissionable or bomb material that we will need come another conflict. It is in that field in particular where we should constantly associate our atomic efforts. It is because of the fact that the atomic bomb has been used strategically, has killed women and children, that in the minds of millions of people today the atom bomb has only one use, that is, to kill more millions of people in the event of another war. That is not the source of America's strength in the event of another conflict. The greatest source of America's military strength in the event of another conflict is in the tactical use of the atomic bomb.

Mr. MARTIN of Iowa. That has been one of our principal problems all the way from the very inauguration of the atomic weapon. My questions, during the years that the matter of atomic energy came up first in the military committee some 6 or 7 years ago while I was on that committee, all bore on the potential development of it as a tactical weapon. From our own point of view that is highly important. My questions were with reference to the matter of whether you could transport the atomic energy warheads secretly, store it indefinitely, and set it off by remote control. Those were my questions in the military committee bearing upon possible tactical use of it. That is our own problem and of course we are facing it. From the point of view of defense against strategic attack, I think the remarks of the gentleman from New Jersey are very timely, that the potential enemy's first strike toward us would be to destroy our industrial potential, and that would be probably within their first availability, anyway, namely, the strategic use of the atomic weapon.

Mr. JACKSON of Washington. I would think that in stockpiling their atomic weapons they are being stockpiled for strategic use to destroy the heart of America militarily speaking, that is, our industrial potential.

Mr. MARTIN of Iowa. I appreciate the gentleman's remarks today. I think he has made a real contribution to our discussion in this rather vital field of national defense.

Mr. JACKSON of Washington. I thank the gentleman for his fine contribution.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from North Carolina, the vice chairman of our committee. I may say incidentally that he has been a real force on the Joint Committee on Atomic Energy, and an effective force.

Mr. DURHAM. I thank the gentleman.

Mr. McCORMACK. May I add, a real force anywhere.

Mr. JACKSON of Washington. We all concur heartily in that.

Mr. DURHAM. I want to thank the gentleman for the discussion here today. Probably this is one subject we have not discussed as fully on the floor of the House as we should because of certain events and, of course, the secrecy under which it was first built, and under which, of course, at the present time in certain fields we have to continue to operate. But the gentleman has, as I have said, made a real contribution.

This job of the committee has not been easy at all. It has been a tough one. We have had problems and are still having them, and we will continue to have them. But its one push and drive has been to produce more efficient material so that we would have more weapons. We find ourselves today in just exactly what the gentleman has advocated since becoming a member of the committee, I believe in 1949, with demands coming from all three of the military services, which of course in 1946 many people were not thinking so much about.

Now we are faced with a tremendous expansion program if we are to produce and provide what the military is going to require in the event that war should come. It is going to take a great deal more of production of fissionable materials for tactical weapons, which the gentleman has discussed here today. It is going to have to be done through certain groups of people—this House, the Senate, the Commission, and those who are charged with the responsibility of directing our military services in pushing this program from every angle. The contribution, which the gentleman has made here today, in my opinion, marks another milestone in the question of our national defense, because he has brought into the discussion today a new field, and that is the field of tactical weapons. We must tackle that problem, and we are going to have to solve it. In my opinion, as the majority leader has said, they are going to be produced on a mass scale in a very short period of time. Again, I want to thank the gentleman for taking the time to explain to the House some of the details, and some of the problems that face us as a committee. The gentleman certainly has contributed to the national defense effort as well as to our effort in the committee as wholeheartedly as any member that I have ever worked with.

Mr. JACKSON of Washington. I thank the gentleman for his remarks. For the benefit of the Members of the House, the gentleman from North Carolina is chairman of the subcommittee dealing with reactors. A reactor is an atomic furnace. It is the industrial machine that produces one of the materials needed for atomic bombs. It is the leadership that the gentleman from North Carolina has provided as vice chairman

of our committee that, in my opinion, is going to pave the way for the expansion which we have discussed here today.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. McCORMACK. I would like the RECORD to show that about 18 months before the first bomb was dropped on Japan, certain Members of the House of Representatives, and Members of the other body, were acquainted with the experiment which was going on. I know nothing of the contents of that bomb. I do not want to know anything about it. I did not know then, and, as a matter of fact, I have to guess now where the plant is located. At least 18 months, or thereabouts, before the first bomb was dropped in Japan, there was a conference between the Speaker, the gentleman from Massachusetts [Mr. MARTIN] and myself. We were told about this race for time in the experiment—the race between the United States and Germany. We were told we had to get about $1,600,000,000 or $1,800,000,000 in the following two fiscal years to carry out the experiment, which President Roosevelt had begun with blanket funds appropriated to him, which experiment had then become too large to carry on under the blanket appropriation to the late President. Some members of the Committee on Appropriations then had to be made familiar with the situation and taken into confidence, and I think it is to the everlasting pride of the House of Representatives, and the other body as well, that there never was a leak on that subject during the entire 18 months.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. SPRINGER. The gentleman has made a very able presentation here. It has been very informative. So far as I personally am concerned, I have been interested in this question, and was interested in it immediately following World War II. I would like to ask the gentleman if he has any knowledge, and whether he would be willing to make a statement at this time, or make a denial as to whether atomic bombs or atomic energy have been used thus far in the Korean war?

Mr. JACKSON of Washington. I have no knowledge of the use of any atomic weapon in Korea or elsewhere, since Hiroshima and Nagasaki.

Mr. SPRINGER. The gentleman has made no inquiry along those lines with reference to the Armed Forces?

Mr. JACKSON of Washington. I would rather not discuss that at this time, as to whether we have or have not had a discussion.

Mr. SPRINGER. I ask the gentleman for two reasons, because I think it is very pertinent. I think the gentleman probably is getting correspondence, just as I am, and as I think most of the Members of the House are, about the coming winter in Korea. All of us knew what those boys went through last year. People stood it last year and perhaps they will have to do it again this year. They will be patriotic. I am sure the fathers and mothers who have sons over there will be patriotic about it, but I think this has reached the stage now where we are interested in either negotiating or winding this thing up in Korea in the fastest possible time. If it is necessary to use these weapons in order to bring that conflict to an end, I think the people of this country are interested in doing that. I do not believe I misrepresent public opinion, but I will leave it to the gentleman and other Members of this House who are getting correspondence from their homes about it. I believe it is time for us to come to a conclusion as to what we are going to do in Korea. In other words, that we are going to set some reasonable deadline upon these negotiations which have been going on now I believe in excess of 2 or 3 months. It should be certainly long enough to negotiate the kind of peace that you have there, or cease fire to continue other negotiations to bring about the rest of it.

The second thing that has occurred to me, and this might be carried out under civilian defense, but I do think in the light of the gentleman's remarks it is important to be said: As I understand atomic energy and the manufacture of weapons, it is possible for a person to carry an atomic bomb about with them in a suitcase and to enter any plant in this country for the purpose of destroying the plant or our industrial capacity. I think most people have the idea, through information which has been given out through the press, that the only way that would be possible would be for someone to drop a bomb from an airplane on a city. It seems to me the security of this country with reference to the prevention of sabotage is just as important as it would be to defend this country by a 150-group air plan.

Would the gentleman care to comment on that?

Mr. JACKSON of Washington. We have a real problem of sabotage. To say that the atomic bomb can be carried around in a suitcase, of course, is not correct.

Mr. SPRINGER. I am glad to hear that from the gentleman.

Mr. JACKSON of Washington. I can state for the gentleman's information that such statements that are bandied about render a disservice. I am not critical of the gentleman.

Mr. SPRINGER. I understand, of course.

Mr. JACKSON of Washington. But the statement has been made, time and time again, and I believe the gentleman from North Carolina [Mr. DURHAM] will confirm me in what I am saying—let me say to the gentleman that in my opinion, in the event of another war, there is a clear and present danger to the coast lines of America, by carrying the atom bomb in submarines, in merchant ships, and by other means, other than by airplanes. But to say that it can be carried around in suitcases and planted in cities is carrying it a bit too far. However, I do not believe that in the event of another war the Russians will make their entire effort in delivering the bomb through the use of airplanes. America is vulnerable along its shore line. I am not giving out any information when I say that. It has been discussed time and time again. There is a real danger that Russia in the event of an all-out war would attempt to deliver the bomb by both air and sea.

Mr. SPRINGER. One more question and I think I am through. The gentleman has been very kind to go thus far. Is there any knowledge which the gentleman has that the use of the atomic bomb or atomic energy in other forms is now contemplated in the Korean war?

Mr. JACKSON of Washington. Owing to the fact that I am on the Joint Committee on Atomic Energy and that anything I might say in that regard might have some repercussions, I would rather not at this moment discuss the question that the gentleman has put to me with reference to Korea.

I have indicated in my remarks today that we now have in our possession tactical weapons that can be used in the field in direct support of our group troops. I do not, for obvious reasons, feel that I should at this time comment beyond that. I hope the gentleman understands.

Mr. SPRINGER. I understand perfectly. Just one further question: Is it contemplated that there will be any public release as to whether or not atomic energy or atomic bombs will be used in Korea? Has there been discussion as to whether or not that is to be given out to the press or newspapers?

Mr. JACKSON of Washington. I would rather not comment any more on that particular point.

Mr. CARNAHAN. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. CARNAHAN. I wish personally to thank the gentleman and compliment him for the intelligent and informative statement he has brought to the membership of the House. He certainly has made a contribution in a field which is important not only to the defense of our own country but also to the defense of the free world. I would like to ask the gentleman if he cares to express an opinion on the following: Is it possible that we are correctly evaluating the potential offensive strength of the U. S. S. R.? Or are we underrating that strength or perhaps having a tendency to overrate it?

Mr. JACKSON of Washington. I can answer the gentleman this way: Our committee receives intelligence reports from time to time available of course only to members of the joint committee, reports on the Russian position in this field. Each successive intelligence report we receive paints a little darker, a little grimmer picture of what they are doing.

I think we will not be making a mistake in overestimating their capabilities. Everything that has come out so far has been unfortunately a tendency to underestimate their capabilities. A little over a year ago, shortly after the first explosion, a noted American citizen came out and said "Russia does not have the atomic bomb." I can say to the Members of the House that we have ways

of knowing scientifically that they do have the bomb. Somebody said that it was just a reactor blowing up or a pilot plant blowing up.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. MANSFIELD. Mr. Speaker, in view of the extreme importance of this particular matter I ask unanimous consent that the gentleman may be allowed to proceed for fifteen additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JACKSON of Washington. We must realize that the Russians have some very noted scientists, topmen who are capable of doing the job. We must realize that if the Russians make an all-out effort in this field they can do a real job. I for one firmly believe that because of our unique industrial capabilities we can keep so far ahead of them that they will not attempt to undertake a third world war.

The one deterrent we have is to remain on top of the stockpile. If we do not, then we are indeed in trouble.

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. DOYLE. I wish to compliment the gentleman from Washington very earnestly for his very splendid contribution to the total record of matter on the atomic bomb. I think every Member of this House is well aware of his interest and integrity in going to the bottom of all such questions. I think the gentleman from Washington knows that as a member of the Committee on Armed Services, as I am, I recently traveled to the far north, Alaska, and while in one of those cities I heard a Russian broadcast describing the United States of America as warmongers. It made me realize, I may say to the gentleman, that perhaps the world conflagration in the form of another hellish war is closer than we think; but, nevertheless, I wish to say to the gentleman it made me feel also I would always continue at every opportunity to emphasize that my Nation is not interested in being a warmonger. We are interested primarily, objectively and paramountly in being a Nation which is determined to be strong enough to compel world peace.

While I know the gentleman emphasized that point of view to a certain extent in his remarks, may I ask the gentleman in that connection to take a few seconds at least to emphasize in his remarkable speech before it is printed the fact that the billions of dollars in money which we are spending are not being spent to be strong enough to wage war nor for anything more or less than to protect the freedoms of the freedom-loving people of the world against communistic aggression. Will the gentleman take a minute to emphasize that of his own personal knowledge as a member of this important committee that is the objective, if I am right, in the spending of billions and billions of dollars for atomic energy to be used in tactical weapons. Am I in error?

Mr. JACKSON of Washington. The gentlemen is not in error. Our objective is peace. Our entire atomic energy effort and our military effort are geared to that one objective of peace. Our record is clear, our conscience should be clear. At the end of the war we agreed to a program of atomic disarmament. We offered our atomic stockpile to an international organization under the United Nations. We said that we would agree to an international control of atomic energy under a rascal-proof system. We said we would favor that without any hesitancy at all. That program we agreed to was drawn up, not by politicians but by scientists and experts, by men who were familiar with the necessary requirements about a rascal-proof system of international control of atomic energy. That program and that proposal was agreed to by the entire free world excepting, of course, Russia and its satellite nations. All nations agreed to it except Russia and the satellite areas. We have made that proposal time and time again. But we must not agree to just international control of atomic weapons. We must agree to international control of all weapons, atomic and conventional as well. To do otherwise would be for the free world to walk into a ghastly bear trap, because it would leave Russia and its satellites, if we agreed to international control of atomic energy and did nothing about conventional weapons, in possession of a large mass of conventional arms and men that would make it possible for her and her satellites to overrun the free world.

If we are to have international disarmament—and we are for it; we have laid our cards on the table; the proposal is there for acceptance—we must remember that we must have control of all weapons.

Mr. DOYLE. I understand that this proposal is still open. The gentleman did not emphasize that control, although he realizes it, means international inspection.

Mr. JACKSON of Washington. That is why, of course, the Kremlin has not agreed. The iron curtain cannot exist under a system of international inspections. It goes to the very heart of the difficulty with the Soviet Union. But you cannot have international control of atomic energy unless you have international inspection of the materials used in setting off an atomic bomb.

Mr. DOYLE. May I ask one further question? Am I in error then when I conclude and have concluded for some time, when we are asked to vote these billions of dollars for our national defense, including this atomic energy development, the alternative is either to pay taxes or to pay tribute. Am I in error in that conclusion?

Mr. JACKSON of Washington. Let me answer it in this way. It is a small price to pay for the other alternative cost, namely, world war III, with trillions—I do not say billions—trillions of dollars in property damage and millions of Americans dead overnight.

Mr. DOYLE. I thank the gentleman.

Mr. JACKSON of Washington. I think that is the only alternative. I honestly and firmly believe that if we make the supreme effort in this field we have a real opportunity of achieving our objectives wherever possible and avoiding world war III.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. Something has been said here this afternoon about civilian defense or alleged lack of civilian defense in this country. Can the gentleman tell us what the Russians are doing to prepare their civilian population for defense against atomic warfare?

Mr. JACKSON of Washington. I would like to confine my remarks, for obvious reasons, again. I can say this much, that today the Russians have about 20,000,000 of their people engaged in civil defense in the Soviet Union. They are making an all-out effort in this particular field. I believe that statement is borne out, at least, by the information that we have received.

Mr. GROSS. Twenty million people working in civilian defense in Russia?

Mr. JACKSON of Washington. Twenty million people engaged in this effort, is our latest estimate.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Montana.

Mr. MANSFIELD. I am delighted that the gentleman from Washington has seen fit to bring to the attention of the House today the importance of atomic weapons and also the weakness of this country insofar as 20 to 30 of our most important industrial cities are concerned. I am wondering if sometimes we do not in this country overestimate the importance of the atomic bomb and atomic weapons and at the same time underestimate the importance of atomic developments in Russia?

I was pleased to note the emphasis which the gentleman placed upon the possibility of using the ingredients to make an atomic bomb or weapon for industrial purposes in peacetime. I know that if he had time he could go on and also cite how some of these atomic ingredients could be used in bettering the health of our people.

I would like to bring to the attention of the gentleman, though, the importance of the duality, so to speak, of his remarks, covering atomic developments and the industrial potential of this country, because when a group of us visited Europe 3 or 4 months ago and had a number of conferences with Eisenhower, he told us at that time that in his opinion the atomic bomb was not the most important factor in keeping the Russians from carrying on a conquest by aggression, but that the real important factor was the industrial potential of America and the industrial know-how of our people here. I think there is a great deal in what General Eisenhower had to say,

and I am delighted to mention it at this time because it fits in so perfectly with the remarks made by the gentleman concerning the development of atomic energy for various purposes and also brings in the importance of the American industrial potential and the need for a first-rate civil-defense program in this country, because the remarks which the gentleman has made certainly indicates where we should place emphasis from now on.

Mr. JACKSON of Washington. The gentleman has made a very fine contribution. I certainly would not want to convey the impression that we can defend Western Europe with the atomic bomb alone. What has happened is that the firepower of our American division has increased tremendously overnight with the announcement by the chairman of the Atomic Energy Commission that we are now producing tactical weapons.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says he does not care to comment on the development of tactical weapons for ground troops.

Mr. JACKSON of Washington. I did not say that. I did not want to say anything on the floor with reference to this situation in Korea at this time.

Mr. GROSS. Yes, but I want to say something, if the gentleman will permit me, that if we now have developed tactical weapons and they are not in use in Korea, someone is seriously to blame for not putting them to use. This business of fighting a war over there with bayonets, as we are doing today, and with machine guns and the other weapons of World War II and World War I, does not make sense.

Mr. JACKSON of Washington. I have learned since I have been on the Joint Committee on Atomic Energy that one has to consider a lot of factors, a lot of situations, before one can make a proper decision. I do not believe I would be serving the cause of peace today if I got into a discussion on the floor of the House on the point the gentleman has raised. I am not saying that it might not be used or it will not be used. I do not believe that I myself, and I speak only for myself, would be helping our over-all objective, which is peace, to bring that terrible conflict to an early conclusion, if I should make a direct answer to the gentleman's question. I hope the gentleman will understand.

Mr. GROSS. Are you not just as dead if you are killed by an atomic warhead as if you were killed by a 3-inch shell or the fragments of one?

Mr. JACKSON of Washington. The gentleman is opening up a whole new subject of discussion. I for one want to measure my remarks when I get into the subject the gentleman now proposes to open. I think there are people who should speak out on that in connection with the matter at the proper time. I do not feel in a position at this moment to speak. We make tactical weapons for the defense of America and the free world. We do not know what may happen tomorrow in the whole world picture. Those weapons are precious weapons. I suppose the fundamental objective of our immediate effort is to conserve our resources and vital materials to face our primary antagonist, which is Russia. We must be careful in determining objectives of over-all military strategy, about the possible dissipation of those resources against secondary antagonists.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield to the gentleman from New Jersey.

Mr. CANFIELD. I think the gentleman from Washington has been as explicit as he can be. However, I feel we who have heard him today have the right to draw this conclusion, namely, that the mothers and fathers of our dear ones, our boys in Korea, have a right to derive encouragement from what he has said.

Mr. JACKSON of Washington. I think certainly the announcement by the Chairman of the Atomic Energy Commission that we are now producing tactical weapons may be some reason why there is a new announcement about truce discussions. I think that Mr. Dean's statement may be well understood in certain quarters of the world today.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Washington. I yield.

Mr. McCORMACK. Again, I congratulate the gentleman on his powerful contribution to the House of Representatives and to the people of America, a contribution which is based, if I may read the gentleman's mind, on confidence and optimism, trying to give the American people as complete information as he can on the subject he has discussed, consistent of course with the national interest of our country. If I were to give a title, or were to characterize the gentleman's constructive effort today, my title or characterization of this discussion would be "Peace Through Strength."

Mr. JACKSON of Washington. I thank the gentleman. I would quite agree with such a title or characterization because it is through this type of strength that we have the best chance of avoiding world war III.

The SPEAKER pro tempore (Mr. McGUIRE). Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 30 minutes.

MOVE FOR PEACE NOW

Mr. PHILBIN. Mr. Speaker, I was truly gratified to learn that the State Department, after such a great lapse of time, had changed its attitude toward Spain. The recent negotiations with that nation conducted under the leadership of our late lamented and very great naval hero, Admiral Forrest Sherman, whose tragic and untimely demise we all so deeply mourn, mark a most welcome step in our diplomatic relations with that nation and in our efforts to consolidate and unify the strength and potentials of the free world.

The Nation is most grateful to Admiral Sherman, a noble son of Massachusetts, for his many effective contributions to the national welfare during a most illustrious naval career. But few of his many splendid achievements will be viewed with greater appreciation than his successful interim negotiations with the Spanish Government.

There are many reasons why our own great Nation should have renewed friendly cooperative relations with Spain long ago—some strategic and military, some economic, some political, and some which relate to the historical American ideals and traditions.

Lest anyone should misunderstand my viewpoint in this vital matter, let me state emphatically that I am fundamentally just as much opposed in theory and practice to fascism as I am to communism. Both systems are totalitarian. Both are antagonistic to democracy. Both are predicated upon the dominance of the State over the rights of the individual.

But I would point out that historically it has not been at all unusual in the past for this Nation to extend diplomatic recognition and engage in commercial intercourse and friendly relations with other nations whose philosophy, political institutions and way of life were at variance with our own. It is a well-established historical fact that, in keeping with this policy in the past, we have recognized monarchies and oligarchies and dictatorships of varying types as well as several socialistic governments, and preeminently the Soviet Union.

It must now be obvious to thinking citizens that there were no tenable logical grounds for refusing to recognize Spain, and for refusing to avail ourselves of her expressed willingness to cooperate materially and effectively with our program for building up the strength of the free world against possible totalitarian aggression.

I am not a believer in the suppression of the rights of minorities. I am unalterably opposed to those individuals and governments who preach and practice intolerance in any form. I deplore and detest principles and practices of government which are designed to curb the liberties and rights of the individual citizen.

But it strikes me as being absolutely irrefutable that any nation, such as our own, that can recognize and continue diplomatic relations with the Soviet could claim no sound reason for refusing to recognize a government like Spain.

The Soviet is engaged in persecuting not only minorities, but majorities, of its own people and the peoples of other formerly free nations. One dictatorship is not necessarily benign while another is malignant.

So far as idealistic Americanism is concerned, any form of dictatorship must be looked upon with disapproval. But I would reiterate that mere disapproval

of a form of government is not necessarily grounds for nonrecognition and noncooperation in the sphere of world polity, and particularly with regard to our program for protecting the freedoms of democracy-minded peoples against those who are conspiring to superimpose the super-state of Godless, atheistic, Marxist communism upon the entire world. Such a policy is unrealistic and contrary to American interests.

I am not prepared to inveigh against the present Spanish government; neither do I advocate or sponsor the principles upon which it is based. Whatever the limitations of the Spanish Government as measured by American ideals, whatever undemocratic character attaches to the present Spanish regime, it must be acknowledged and admitted that that nation has not carried on ruthless aggression against its neighbors.

It has not closed down an iron curtain against its borders and the borders of other free nations which, by diplomatic concessions, by aggression, or by infiltration, it has managed to dominate.

It has not set up Trojan horses of infiltration, conspiracy and subversion in other Democratic nations.

It has not unloosed a flood of propaganda, espionage and sedition in other nations and in the United States.

It has not perverted sworn officials of our own Government to the shameful betrayal of solemn public trust.

It has not plotted and promoted perfidy and treason among our workers, among our citizens, and among our Government officials.

It has not conspired for the destruction of our free institutions.

It has not spread Marxist or Fascist doctrines throughout the world and in our own Nation.

It has not stagnated and ridiculed the efforts of the United States to establish and maintain a just and lasting peace in the world.

It has not reduced millions of helpless, defenseless democratic-minded peoples to serfdom more cruel than that of Hitler.

It has not moved to enslave the peoples of the Orient, China and Indochina, the Malayan Peninsula, and India and Africa.

It has not engaged and assisted other nations to wage ruthless willful war against their neighbors.

It has not been a party thereby to the maiming and killing of more than 85,000 American boys.

It has not done any of the outrageous things which violate and challenge free institutions, threaten the security of our Nation, and which have made it necessary for us to wage a limited war 8,000 miles from our own shores and to maintain the largest peacetime armed forces in history at overburdening expense to the American people.

To the contrary, dictatorship or no dictatorship, the Spanish Government has stood for moral and religious principles, for cooperation with other nations in defending the free world and in promoting peace and friendly relations.

Moreover, that government has exhibited a most warm-hearted good will and friendship toward our own Nation, and has proffered the hand of friendship toward America, even in misrepresentation and vilification by organized groups.

I have not the slightest doubt that most Americans will approve the belated action of our Nation in moving toward the expansion and consolidation of our diplomatic relations and security cooperation with Spain. If current reactions to these measures can be counted and evaluated, it would appear that large numbers of American people will reserve opinion as to the motives which prompted the softening of our attitude toward Spain at this particular time.

Why have we waited so long to recognize Spain? Why have we waited so long to take measures looking toward the utilization of her territory and resources, material and human, in the protection of western civilization? These are questions that will be asked by many Americans.

I recognize the argument that will be made by some from now on, that our Nation should follow the British Socialist lead and join in the recognition of Red China. But I wonder whether we propose to countercheck the surge of Marxist expansion, infiltration, imperialism, and aggression. I wonder how far this Nation can afford to permit Marxism, by aggression or subversion, to spread its slimy tentacles across the face of the earth? When do we propose to lay down a firm, declarative policy to the Soviets and their puppets worthy of our great Democracy, worthy of our war aims, worthy of the ideals and sacrifices of our people? We did not do it at Berlin. We did not do it at Yalta, Tehran or Potsdam. We did not do it in Poland and Lithuania or in Czechoslovakia, and we have not done it in China or Formosa. How much longer can we afford to wait before calling a halt to the movement of encirclement which is rapidly outflanking this Nation militarily and economically, both from the east and the west?

Are we so weak and spineless that we will stand by while our citizens like newspaperman Oatis and others are rotting in foreign Marxist jails without making a real determined effort to free them?

Are we so indifferent to the plight of those professing honest and sincere religious beliefs that we remain silent and inactive while more than 65,000,000 Christians are shut in behind the iron curtain, shamefully persecuted, jailed, pilloried, humiliated and beaten, their leaders stripped of their sacred robes, lashed and drugged? Shall we make no real determined effort to help these suffering people? Shall we refuse to lift a finger to relieve them from bondage and persecution? The American people want to know.

Thinking Americans, must be greatly disturbed and greatly concerned about the press of Marxist influence into all parts of the civilized Christian world. Is this what we fought for? Is this what our boys bled and died for, to insure world conquest and domination by communism over democratic government and democratic principles, and the complete destruction of our cherished ideals of democracy and freedom?

I would be the last one to admit that there is serious risk involved in any diplomatic policy respecting Marxism. There are risks of diplomatic breaks which in my opinion should have been assumed long ago. There is the risk of the repetition of blockades. There is the risk of extending the iron curtain to other areas of the world. There is the risk of war. But there is also another risk which should cause Americans and all lovers of freedom to shudder, namely, world domination by communism and the ultimate destruction of this Nation from without, if not from within.

In my opinion, if this Nation delays too long in formulating and executing an unyielding and uncompromising policy toward Marxism, we will be inviting disaster. The disaster may not come in a year or in 5 years, but it will come ultimately just as the sun will rise tomorrow, and it will come at a time when our potential enemies have organized and consolidated their ill-gotten gains and are strong and powerful, when perhaps we have dissipated our resources and are not as able to cope with them as we are today. No one can predict how much longer our economic system can stand the strains and burdens of limited war.

We should wake up and put these great national and world questions on a firm, consolidated basis of militant defense of America, Americanism, and democracy. Let there be no flinching or compromising, or further appeasement. If a truce comes in Korea, it should be predicated on sound principles of upholding the dignity and interests of our own Nation. If the Soviets are sincere in their peace offensive, if they really mean to have peace, let our country joyfully embrace the opportunity to establish a just and lasting peace. But we seek definite proof of sincerity of motives and honesty of purpose from those who have operated up to this time by strategy based upon deceit, lying, propaganda, intimidation, and violence.

If the Russians really mean business regarding their professions for peace, let them indicate their willingness to sit around the peace table and in an honest spirit discuss principles and definite measures by which peace can be achieved. The first of these measures must be disarmament and the control of atomic and hydrogen energy and other terrible modes of destruction. Let us not permit the belated negotiations with Spain to be used in any propaganda sense as a bait for appeasement of Red China and her admission into the United Nations.

I am somewhat out of patience hearing high policy officials of this Government making speeches up and down the Nation telling the American people how powerful our enemies are, how destructive their weapons are, how very much in danger of atomic attack our Nation is, how certainly it can be bombed and smashed by foreign planes. The American people well know the dangers in the present international situation, as well as the potential strength of the Soviet, and they cannot be scared or frightened

into yielding to appeasement and craven cowardice by high-powered, blood-curdling speeches calculated to build fear and war hysteria in the Nation.

In fact, the American people would be interested in hearing some speeches about the strength of our own arms, the power of our own productive machines, the vitality and greatness of our own Nation, our potential to wage war against possible enemies, our ability and firm intention to defend the United States, and our great striking power through the air and on the sea against any nation that dares attack us.

These are some of the things the American people would like to hear from our leadership in these troubled days instead of whining fear and useless speculation about the dangers we face. Let us be prepared and fear neither friend nor foe. Let us deal justly and honorably with all nations and place our faith in the Lord.

These great issues will have to be met and faced some time. As I have advocated for a long time, in my judgment they should be met, courageously, bravely, and militantly, but with a clearly expressed desire for world peace, rather than later when the tides of international military and economic strength may have turned preponderantly against us. I hope that the Government may be prompted to consider and act upon these proposals now. The American people are indignant that any part of our world policy should have been shaped by men who do not believe in democracy, and they earnestly seek repudiation of the principles and shameful commitments such men were able to write into American foreign policy. With faith in the Almighty, let us act, and act before it is too late.

SECURITY OF THE UNITED STATES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to have printed at this point in the RECORD, a statement by President Truman on October 4, 1951.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Following is the text of a statement by President Truman today defending his recent order tightening control over Government information:

"There has been considerable misrepresentation and misunderstanding of the Executive order issued on September 24, 1951, relating to the handling of information which has been classified in order to protect the national security. This Executive order represented an honest effort to find the best approach to a problem that is important to the survival of the United States. I issued this order with great reluctance, and only when I was convinced after lengthy consideration that it was necessary to protect the United States against its potential enemies. I think my record in defending civil liberties in this country demonstrates that I have no desires to suppress freedom of speech or freedom of the press.

"I would like for the public to understand what this order undertakes to do and why it was necessary to issue it.

"In its simplest terms, the problem is what we should do to keep military and related secrets from falling into the hands of enemies of the United States. I do not believe that any one could seriously contend that military secrets should be published in the newspapers or that anyone has a right or duty to see that military secrets are made public. I believe that everyone, including Members of Congress and newspaper editors, should think twice before advocating a theory that would lead to that result. Whether it be treason or not, it does the United States just as much harm for military secrets to be made known to potential enemies through open publication, as it does for military secrets to be given an enemy through the clandestine operations of spies."

OBJECTIVES EASILY AGREED ON

"On the other hand, I do not believe that protection of military secrets should be made a cloak or cover for withholding from the people information about their Government which should be made known to them. I believe that everyone, including Government officials, should try to prevent this from happening.

"It is easy to agree on these two objectives, but it was difficult to establish the means for accomplishing both of them.

"In those agencies of the Government priminarily concerned with national security matters, such as the Department of State and the Department of Defense, we have had for a number of years a system of classifying information to prevent its disclosure to unauthorized persons when it would be dangerous to the national security. This system has worked reasonably well, although it has not in all instances prevented the publication of information which aided our enemies against the United States and in other cases it has been used to classify information which actually had no particular relationship to national security."

AGENCIES BORROW SECRETS

"In the present defense mobilization period, it has become necessary in an increasing number of cases to make military secrets available to executive agencies other than the military departments in order that these other agencies might effectively perform their functions that are necessary in supporting the defense effort. It is also necessary for some of the civilian agencies such as the Central Intelligence Agency and the Federal Bureau of Investigation, for example, to originate and protect some information vital to our defense. It should be readily apparent that military secrets in the hands of these other agencies should be protected just as much as when they are in the hands of the military departments. It would also seem to be sensible to provide that different agencies take the same kind of precautions to protect this information. It would not make any sense to have a paper containing military secrets carefully locked up in a safe in the Pentagon, with a copy of the same paper left lying around on the desk of a lawyer in the Justice Department.

"Now the purpose of this Executive order is to provide a common-sense answer to these problems. It is to provide that information affecting the national security shall continue to be protected when it gets out of the hands of the military departments and into the hands of other agencies. The purpose is to provide that these other agencies shall provide the same kind of protection that is provided in the military departments."

CORRECTION OF ABUSES

"Another purpose of the order—and it is a most important purpose—is to provide that information shall not be classified and withheld from the public on the ground that it affects the national security unless it is in fact actually necessary to protect such information in the interests of national security.

"In other words, one of the purposes of this Executive order is to correct abuses which may have grown up by use of overclassification of information in the name of national security.

"I think this Executive order represents a reasonable approach to a very difficult problem. I think it will work in the public interest, and I expect to watch it closely to see that it is not used as an excuse for withholding information to which the public is legitimately entitled.

"It may well be that experience under the order will indicate that it should be changed. In that case I will be glad to change it, and I will be glad to give consideration to reasonable suggestions for changes that are advanced in good faith.

"I would like to suggest to those who are seriously and honestly concerned about this matter that they consider it objectively and with the interest of the United States uppermost in their minds. I would like to suggest that they consider how we can best accomplish objectives which all of us should be able to agree upon. I do not believe that the best solution can be reached by adopting an approach based on the theory that everyone has a right to know our military secrets and related information affecting the national security."

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. WICKERSHAM in six instances and to include addresses by Dr. Bennett.

Mr. LANE in two instances and to include extraneous matter.

Mr. BURDICK in four instances and in two to include quotations.

Mr. HINSHAW and to include an article entitled "What Price Air Power?" notwithstanding the fact that it exceeds the limit and is estimated by the Public Printer to cost $246.

Mr. VAN PELT and to include an editorial.

Mr. STEED.

Mr. JONES of Alabama and to include a letter.

Mr. RABAUT and to include extraneous matter.

Mr. KELLEY of Pennsylvania and to include a letter.

Mr. JOHNSON (at the request of Mr. MARTIN of Iowa) and to include a quotation.

Mr. MARTIN of Iowa and to include a speech.

Mr. KERSTEN of Wisconsin in two instances and in each to include extraneous matter.

Mr. SMITH of Wisconsin in two instances and in each to include extraneous matter.

Mr. ASPINALL in two instances and in each to include extraneous matter.

Mr. CARNAHAN and to include extraneous material.

Mr. SPRINGER and to include an editorial from the Peoria Journal of September 25, 1951, together with his comments thereon.

Mr. SIEMINSKI.

ENROLLED BILLS SIGNED

Mr. STANLEY, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5113. An act to maintain the security and promote the foreign policy and provide for the general welfare of the United States by furnishing assistance to friendly nations

in the interest of international peace and security;

H. R. 5257. An act to amend section 9 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), to increase the amount available as an emergency relief fund for the repair or reconstruction of highways and bridges damaged by floods or other catastrophes; and

H. R. 5504. An act to amend section 12 of the Federal-Aid Highway Act of 1950 to increase the amount available for the construction of access roads certified as essential to the national defense.

BILLS PRESENTED TO THE PRESIDENT

Mr. STANLEY, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 990. An act to confer jurisdiction on the Court of Claims to hear, determine, adjudicate, and render judgment on the claim of Preston L. Watson, as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased;

H. R. 1227. An act to amend further the act entitled "An act to authorize the construction of experimental submarines, and for other purposes";

H. R. 3205. An act to amend the Veterans Regulations to provide that multiple sclerosis developing a 10 percent or more degree of disability within 2 years after separation from active service shall be presumed to be service-connected;

H. R. 3504. For the relief of Nison Miller;

H. R. 4475. An act to amend the Agricultural Adjustment Act of 1938, as amended;

H. R. 5113. An act to maintain the security and promote the foreign policy and provide for the general welfare of the United States by furnishing assistance to friendly nations in the interest of international peace and security;

H. R. 5257. An act to amend section 9 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), to increase the amount available as an emergency relief fund for the repair or reconstruction of highways and bridges damaged by floods or other catastrophes; and

H. R. 5504. An act to amend section 12 of the Federal-Aid Highway Act of 1950, to increase the amount available for the construction of access roads certified as essential to national defense.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BELCHER (at the request of Mr. SCHWABE), on account of the death of his father.

ADJOURNMENT

Mr. SIEMINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (3 o'clock and 18 minutes, p. m.) the House, under its previous order, adjourned until tomorrow, Wednesday, October 10, 1951, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

861. A letter from the Chairman, United States Civil Service Commission, transmitting the Thirtieth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund for the fiscal year ended June 30, 1950, pursuant to section 16 of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

862. A letter from the Secretary of the Interior, transmitting a draft of a bill entitled "A bill to authorize the construction, operation, and maintenance of the initial phase of the Snake River reclamation project by the Secretary of the Interior"; to the Committee on Interior and Insular Affairs.

863. A letter from the Director, Administrative Office of the United States Courts, transmitting a resolution adopted by the Judicial Conference of the United States at its sessions held in Washington September 24–26, 1951, in reference to S. 1958, an act to provide for jury trials in condemnation proceedings in the United States district courts; to the Committee on the Judiciary.

864. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to amend the Foreign Service Act of 1946, as amended, and for other purposes"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HART: Committee on Merchant Marine and Fisheries. Report pursuant to section 136 of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress. Report on the handling of explosives under the supervision of the Coast Guard in the Territories of Hawaii and Alaska; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUCKLEY: Committee on Public Works. H. R. 4963. A bill to authorize the construction, operation, and maintenance of certain fuel-fired electric-generating plants in order to make it possible for the Department of the Interior to meet certain defense-power requirements in the Pacific Northwest, and for other purposes; with amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Foreign Affairs. House Joint Resolution 331. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the Chicago International Trade Fair, to be held in Chicago, Ill., March 22 to April 6, 1952; without amendment (Rept. No. 1115). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of New York: Committee on the Judiciary. H. R. 3219. A bill to confer jurisdiction upon the United States District Court for the Northern District of Texas to hear, determine, and render judgment upon the claim of Robert E. Vigus; with amendment (Rept. No. 1111). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H. R. 2962. A bill for the relief of the widow of Frank Winfield Burman, lieutenant, United States Naval Reserve; with amendment (Rept. No. 1112). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DURHAM:

H. R. 5662. A bill to amend the laws of the District of Columbia to regulate the practice of pharmacy and the sale of poisons and for other purposes, as enacted by Congress, May 7, 1906, and as amended February 27, 1907, and as amended March 4, 1927 (D. C. Code of 1929, title 20, sec. 2–601 et seq.); to the Committee on the District of Columbia.

H. R. 5663. A bill to provide for the control, inspection, and equipment of pharmacies in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KILDAY:

H. R. 5664. A bill to provide for an increase in the pay and certain allowances of members of the uniformed services; to the Committee on Armed Services.

By Mr. MANSFIELD:

H. R. 5665. A bill to provide that postmasters and rural carriers in the postal service shall be appointed solely on the basis of fitness to perform the duties of the position; to the Committee on Post Office and Civil Service.

By Mr. SHELLEY:

H. R. 5666. A bill to authorize the Maritime Administration to assist in the conversion of certain vessels into ore carriers for use in the foreign trade of the United States; to the Committee on Merchant Marine and Fisheries.

H. R. 5667. A bill to make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish or other aquatic products on which the livelihood of their members depends; to the Committee on Merchant Marine and Fisheries.

By Mr. HILLINGS:

H. R. 5668. A bill making it a Federal offense for an officer or employee of the United States to accept any compensation or gratuity from any officer or member of a national committee of a political party; to the Committee on the Judiciary.

By Mr. FALLON:

H. R. 5669. A bill to provide for the issuance of a special postage stamp in commemoration of the one hundred twenty-fifth anniversary of the granting of the Baltimore & Ohio Railroad charter; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H. R. 5677. A bill to amend certain housing legislation to grant preferences to veterans of the Korean conflict; to the Committee on Banking and Currency.

By Mr. WALTER:

H. R. 5678. A bill to revise the laws relating to immigration, naturalization, and nationality; and for other purposes; to the Committee on the Judiciary.

By Mr. TRIMBLE:

H. Res. 455. Resolution to print the prayers offered by the Chaplain, the Reverend Bernard Braskamp, D. D., at the opening sessions of the House of Representatives of the United States, Eighty-second Congress, from January 3, to October 8, 1951, inclusive; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL:

H. R. 5670. A bill for the relief of John H. Vogel; to the Committee on the Judiciary.

By Mr. BRAY:

H. R. 5671. A bill for the relief of Humberto Garcia; to the Committee on the Judiciary.

H. R. 5672. A bill for the relief of Salvatore Dominguez and Barbara Dominguez; to the Committee on the Judiciary.

By Mr. JACKSON of California:

H. R. 5673. A bill for the relief of Mrs. Shizu Ikezaki Horita; to the Committee on the Judiciary.

By Mr. KELLEY of Pennsylvania:

H. R. 5674. A bill for the relief of Mark O'Toole; to the Committee on the Judiciary.

By Mr. RADWAN:

H. R. 5675. A bill for the relief of Henry Rang; to the Committee on the Judiciary.

By Mr. THORNBERRY (by request):

H. R. 5676. A bill for the relief of Max Hermann Keilbar; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII:

454. The SPEAKER presented a petition of International Union of Electrical, Radio, and Machine Workers, Washington, D. C., relative to immediately making available the necessary funds for civilian defense, which was referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 10, 1951

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who hast made Thyself known as a prayer-hearing and prayer-answering God, help us to believe that more things are wrought by prayer than we have ever dreamed of.

Give us the glad assurance that through communion with Thee our confused and intractable spirits can be lifted out of restlessness into peace, out of weakness into strength, out of sorrow into joy, and out of defeat into victory.

Grant that we may always have such a clear vision of Thy will that none shall ever lose his way. Inspire us with wisdom to understand and interpret rightly the meaning of life's varied experiences.

May we keep our minds and hearts sensitive and responsive to the promptings and leading of Thy divine spirit as we seek to discharge faithfully every imperative duty.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1203. An act to provide for the appointment of additional circuit and district judges, and for other purposes.

EXPLANATION OF VOTE

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, yesterday on roll calls 194 and 195 I was unavoidably absent. If present I would have voted "nay" on the motion to recommit and I would have voted "yea" on the passage of the bill.

SPECIAL ORDERS GRANTED

Mr. BAKEWELL asked and was given permission to address the House today for 5 minutes, following the legislative business of the day and any other special orders heretofore entered.

Mr. BROOKS asked and was given permission to address the House today for 1 hour, following the legislative business of the day and any other special orders heretofore entered.

RESERVE POLICY LEGISLATION

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS. Mr. Speaker, I simply wanted to announce that I asked for 1 hour today to address the House because some of the members of the Armed Services Committee desire to discuss the Reserve policy bill which will come up for consideration next week. We wanted to invite the Members of the House to participate in the discussion and give them notice that that will be brought up after the conclusion of business on the Speaker's desk today.

INOOKA KAZUMI

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 2080, for the relief of Inooka Kazumi, which is at the Speaker's desk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MILLER of Nebraska. Reserving the right to object, Mr. Speaker, I would like to know what the nature of the bill is.

Mr. WALTER. This is a bill to authorize an American army officer and his wife to bring a child into this country which they legally adopted. The officer has orders to sail on Saturday of this week. The Senate passed the bill last week.

Mr. MILLER of Nebraska. It sounds like a good bill.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, and notwithstanding any provisions of law excluding persons of races ineligible to citizenship from admission to the United States, the minor child, Inooka Kazumi, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Henry Frazer Harris, Jr., citizens of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HOEVEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

Abbitt	Fulton	Morrison
Allen, La.	Furcolo	Morton
Anderson, Calif.	Gamble	Moulder
Andresen, August H.	Gary	Multer
Anfuso	Gathings	Mumma
Bailey	Gavin	Murphy
Baker	Golden	Murray, Wis.
Barrett	Goodwin	Norblad
Bates, Ky.	Gore	O'Konski
Battle	Granahan	Patterson
Belcher	Green	Perkins
Berry	Gregory	Phillips
Blackney	Hall, Leonard W.	Poage
Boggs, La.	Hand	Powell
Bramblett	Harvey	Preston
Brown, Ohio	Hébert	Priest
Burdick	Hedrick	Prouty
Burleson	Heffernan	Quinn
Burton	Heller	Redden
Busbey	Herlong	Regan
Byrne, N. Y.	Herter	Rhodes
Byrnes, Wis.	Hoffman, Ill.	Ribicoff
Case	Holifield	Rogers, Mass.
Celler	Howell	Roosevelt
Chiperfield	Jackson, Calif.	Sabath
Chudoff	James	Scott, Hardie
Clevenger	Jarman	Shafer
Cole, N. Y.	Javits	Sheehan
Combs	Jensen	Shelley
Crawford	Kearney	Short
Dague	Kelly, N. Y.	Simpson, Ill.
Dawson	Kennedy	Stanley
Deane	Keogh	Stigler
Delaney	Kilburn	Stockman
Dempsey	Kirwan	Taylor
Denton	Klein	Teague
Dingell	Larcade	Thompson, Tex.
Dollinger	Latham	Thornberry
Dorn	Lesinski	Vinson
Eberharter	Lucas	Vorys
Elston	McConnell	Werdel
Fallon	McCulloch	Whitaker
Fenton	McGrath	Willis
Fine	Mack, Ill.	Wilson, Ind.
Flood	Magee	Wolverton
Fogarty	Marshall	Wood, Idaho
Ford	Miller, Calif.	Yates
Frazier	Miller, N. Y.	

The SPEAKER. On this roll call 285 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1952

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5650) making supplemental appropriations for the fiscal year ending June 30, 1952, and for other purposes.

Pending that motion, I would like to agree with the gentleman from New York [Mr. TABER] as to time for general debate.

Mr. TABER. Mr. Speaker, I have several requests for time. I think we ought to have an hour and a half on a side.

Mr. CANNON. The gentleman does not think we can get along with 1 hour on a side?

Mr. TABER. I would think not, although I would like to. I will not use any more time than I am compelled to. I think that would be a fair figure, however.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the time be limited to not to exceed 3 hours, one-half to be controlled by the gentleman from New